57395-1-U

BENCHMARK

1989

Annual Report of
The South Dakota
Unified Judicial
System

Compiled and Published by
The Office of the South Dakota
State Court Administrator
Pierre, South Dakota
January, 1990

The Honorable Chief Justice and the
Justices of the Supreme Court
of the State of South Dakota,

The Distinguished Members of the
South Dakota Legislature, and

His Excellency, the Governor of
South Dakota

Your Honors:

For your information, and as part of our effort to keep the public and the government agencies of the State of South Dakota informed about the activities of the state's court system, I submit this letter with the annual report of the Unified Judicial System, Benchmark 1989.

The Benchmark covers the structure and programs of the judicial system for calendar year 1989, as well as statistical information for fiscal year 1989.

I am grateful to the clerks of court and court services officers throughout the state who were responsible for submitting most of the data contained herein, and to staff personnel who compiled and prepared the Benchmark for publication.

Sincerely,

Tom Geraets
State Court Administrator

Members of the South Dakota Supreme Court

Hon. Richard W. Sabers
Justice, Second District
Sioux Falls

Hon. Robert E. Morgan
Justice, Fourth District
Vermillion

Hon. George W. Wuest
Chief Justice, Fifth District
Aberdeen

Hon. Frank E. Henderson
Justice, First District
Hill City

Hon. Robert A. Miller
Justice, Third District
Pierre

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Unified Judicial System 1989

This was the centennial year for South Dakota, and the court system shared in the celebration. Chief Justice George Wuest proclaimed October 6, 1989 as Open Courts Day, and the courthouses throughout the state offered special tours for the public to learn more about the legal process and the court offices. In addition, the Court is providing personnel to participate in a speaker's bureau to address schools, service organizations and other groups interested in the judiciary. It also constructed a special Supreme Court display case for historical memorabilia.

The Court's Centennial Committee produced a slide carousel videotape program describing the structure and operation of the court system. It published a historical booklet summarizing the history of the Supreme Court since 1861, consolidated all of the Chief Justices' State of the Judiciary speeches to the legislature, and researched and published a historical listing of the names of all the judges and clerks of court, with the counties served and the years of service.

In July, an additional circuit judge position was allocated to the Eighth Judicial Circuit. The position was filled on September 18, when Governor George S. Mickelson appointed Timothy Johns to the position. Judge Johns was a full time law-trained magistrate in that circuit.

This was the year of the computer in the UJS. Increased emphasis was placed on the use of personal computers in court offices throughout the state, and the State Court Administrator's office began the county-by-county implementation of the new criminal justice information system (CJIS). This system will provide direct computer input and access to criminal files in the thirteen counties that file most of the criminal cases. When installed, the new system will allow for more than 70% of the statewide criminal filings to be accessed on-line. Criminal files include everything from traffic violations to major felony crimes. By December 1989, Hughes, Yankton, and Lawrence Counties were filing cases directly and using computer terminals in their courtrooms. Gradual automation of the other ten on-line counties will take about a year and a half. The remainder of the counties will have their criminal files entered into the computer but they will have to fill out forms and mail to Pierre for loading.

Another major computer milestone was the development of the outline (or, in technical terms, the systems design) for an integrated accounting system. This automated system will allow clerks of court to account for all financial transactions with computers rather than via a manual system.

The UJS requires every clerk's office to be audited once every three years to verify bookkeeping accuracy and use of proper accounting procedures. Nineteen clerk of court offices were audited during fiscal year (FY) 1989, compared with 31 in FY 1988.

Total money receipts collected by the court system continue to increase. The FY 1989 receipts rose to almost $28.5 million, nearly 2 million higher than FY 1988. Civil case filings, on the other hand, have been decreasing for the past two years, as have case filings for driving while under the influence.

Court services operations expanded their responsibilities during the year to include aftercare for juveniles who have been released from one of the state correctional facilities, and a program of intensive probation for certain convicted adults.

South Dakota judges and justices attended the six-state judicial conference in Medora, North Dakota. In 1990, South Dakota will host the conference in Rapid City (July 25, 26 and 27). The Six-State Judicial Conference allows judges from Alaska, Idaho, Wyoming, Montana and the Dakotas to meet for training, discussion and the exchange of information useful to the judiciary of rural states.

Two ad hoc committees were organized in the latter part of 1989. The goal of the first is to recommend future automation plans for the UJS, while the goal of the second is to establish guidelines for the release of court information to the public and other entities.

Other items of interest during the year include a major change in the procedure for handling child-support modification hearings. The previous system permitted the Department of Social Services officers to preside over the hearings and issue disposition judgments which were docketed in court. The Constitutional propriety of an executive agency performing judicial functions was questioned, and this gave rise to a change in the system. This statutory change allows the court to employ law-trained referees to preside over the hearings and make recommendations to the court regarding the child-support modification. The UJS continues to work closely with the Department of Social Services to insure the prompt efficient processing of child support modification petitions.

Other legislative changes affecting the judiciary this year include a bill that revised the fine-collection process for criminal offenses and clarified the related requirements for incarceration. There was also an increase in the mandatory sentence for certain drug offenses, implementation of new child support guidelines, an increase in the law library fee, an additional criminal classification for fourth-offense drunk-driving, modifications of several statutes dealing with juveniles, and several bills that provide greater support and protection for victims of domestic violence.

UNIFIED JUDICIAL SYSTEM
COURT STRUCTURE

South Dakota Courts, Judges and Jurisdictions

Supreme Court

Five justices appointed by the Governor from judicial districts and subject to statewide electoral approval three years after appointment and every eight years thereafter. Retirement at age seventy.

Court term coincides with calendar year.

Has appellate jurisdiction over circuit court decisions.

Has original jurisdiction in cases involving interests of state. Issues original and remedial writs.

Has rule-making power over lower court practice and procedure, and administrative control over the Unified Judicial System.

Renders advisory opinions to the Governor, at his request, on issues involving executive power.

Circuit Court

Eight circuits served by thirty-six judges, who are elected at-large from within their respective circuits for an eight-year term. Vacancies filled by Governor's appointment.

Trial courts of original jurisdiction in all civil and criminal actions. Exclusive jurisdiction in felony trials and arraignments, and all types of civil action except those areas of concurrent jurisdiction shared with magistrate courts, listed below. Appellate jurisdiction over magistrate court decisions.

Magistrate Courts

Lay Magistrate:

Appointed by the presiding judge for an indefinite term. This function is usually performed by the clerk of court.

Concurrent jurisdiction with circuit courts to:

Perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, appoint counsel, accept pleas for class-two misdemeanors, conduct hearings for petty offenses and render judgments for uncontested civil cases involving damages of $2000.00 or less.

Law-Trained Magistrate:

Licensed attorney, appointed by presiding judge for a four-year term. Part-time appointees serve at the pleasure of the presiding judge.

Additional jurisdiction in magistrate court to:

Conduct preliminary hearings for all criminal prosecutions, act as committing magistrate for all purposes, conduct trials of criminal misdemeanor, civil actions involving damages of $2000.00 or less, and small claims actions.

The Court Structure

The judicial system of South Dakota, as shown in the chart on the previous page, is comprised of two component levels of courts having interrelated jurisdictions. The circuit courts are the lower courts of original jurisdiction through which the bulk of the criminal prosecution and civil litigation is processed. The Supreme Court, in addition to its own areas of original jurisdiction, provides the administrative leadership for the legal and judicial system, and serves as the state's appellate court. This means that problems the litigants have with decisions made at the circuit court level are brought, as appeals, to the Supreme Court for resolution.

The circuit courts employ magistrate courts to assist in processing misdemeanor cases (mostly traffic and DUI) and less-serious civil actions such as small claims.

The courts, and the administrative apparatus of the judicial system, are described in further detail in the material following.

Supreme Court

The Supreme Court is the state's highest court and the court of last resort for state appellate actions. It is the final judicial authority on all matters involving the legal and judicial system of South Dakota. In considering state issues, however, and in making decisions about cases received from parties appealing circuit court actions, there are a few restrictions on the authority of the Court. The justices, for example, are generally expected to follow precedent--that is, their own previous decisions (with some allowance for progressive change). Also, there are the constraints placed upon the Court by the State and Federal Constitutions, by statute law passed by the legislators, and by decisions of the Federal Courts.

When a case, or an issue, meets the general criteria for consideration, the Court's judgment--to affirm or reverse a lower court decision, for example--is based on a majority vote of the five justices.

The responsibility of writing the majority opinion for each appropriate case (not all cases require a written opinion) is assigned to the justices by lot. Also, all of the justices have an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. These written opinions are published in the Northwest Reporter, which is printed and distributed by the West Publishing Company.

The working term of the Supreme Court extends the full calendar year. The sessions are usually held in the hearing room in the State Capitol, or in those cities or college campuses that the Court may specify by its own order.

Membership and Appointment

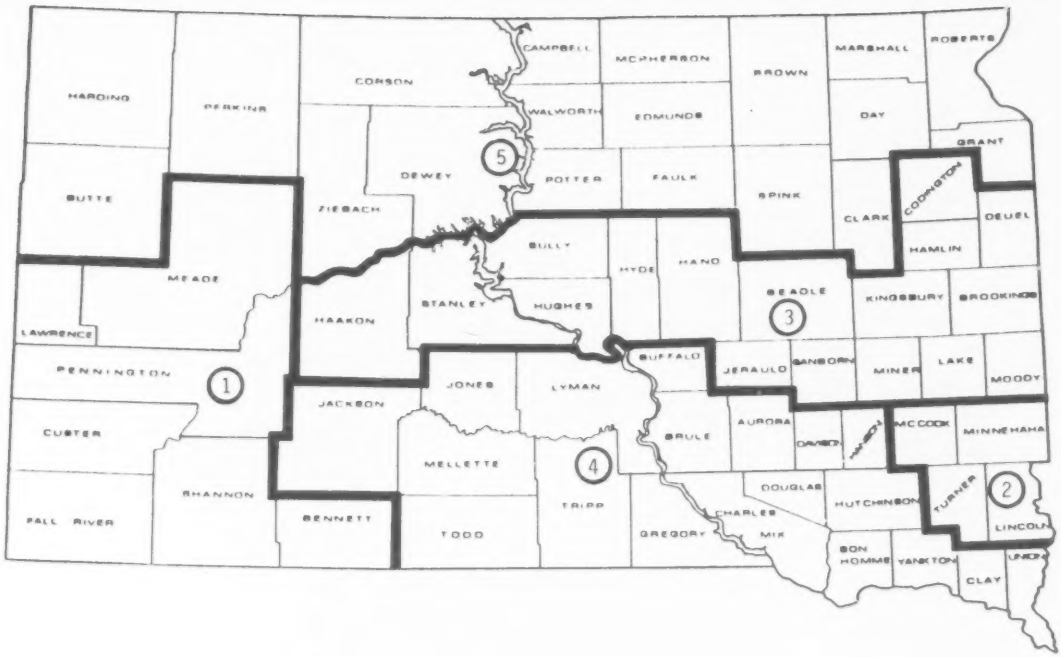
The five members of the Court (four justices and a chief justice) are responsible for making collegial decisions regarding appellate cases and other judicial business. It is not unusual, however, for one of the judges from the circuit court to be assigned to sit on the Supreme Court bench temporarily to assist in the decision-making process.

Such appointment may occur when a justice disqualifies himself because he might have, or appear to have, personal involvement in a case, or if there is a vacancy on the Court caused by the illness or departure of a justice.

All of those who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district (see Map 1) to which they are appointed at the time they take office. There is no formal age requirement for those who serve on the Court, but there is a statutory requirement that a justice must retire shortly after reaching the age of seventy. A retired justice, if he makes himself available, may be called back into temporary judicial service in any of the state's courts.

Under the terms of a Constitutional Amendment passed by the voters in November, 1980, vacancies on the Supreme Court are filled by Governor's appointment. This appointment must be made from a list of two or more candidates recommended by the Judicial Qualifications Commission. All Supreme Court justices must stand, unopposed, for statewide approval or rejection by the electorate in a retention election. For newly-appointed justices, the vote is held at the next general election following the third year after appointment; for incumbent justices who have been elected under the earlier system, the vote is held at the end of their existing eight-year term. After that, all justices stand for retention election every eighth year.

Justice Henderson, elected from district one, began serving his term in 1979 and was retained in the November, 1986 election. His next retention election will be held in 1994. Justice Sabers, from district two, and Justice Miller, from district three, were appointed in 1986 and will participate in their first retention election in 1990. Justice Morgan, from district four, won his retention election in 1984 and will stand again for election in 1992. Chief Justice Wuest, from district five, was appointed in 1986 and will stand for retention election in 1990.



Map 1. Supreme Court Appointment Districts

Jurisdiction

The original jurisdiction--as contrasted with appellate jurisdiction--of the Court extends generally to all issues involving the interests of the state. The jurisdiction also includes power to issue original and remedial writs when the interests of the state are directly involved, or when ordinary jurisdictions and remedies are inadequate to provide relief. The Court may also render advisory opinions to the Governor, at his request, on issues involving the exercise of his executive power.

The appellate jurisdiction of the Court, by which the justices hear appeals from the decisions of the lower courts, constitutes the largest portion of their workload. This appellate control insures adherence by the circuit judges to accepted principals of justice throughout the judicial system. It is one significant way in which the Supreme Court serves the public.

In addition to their original and appellate jurisdictional duties, the justices also provide administrative control over the judicial and legal system of the state.

For example, the Court is responsible for supervision of the licensing of attorneys as members of the State Bar, and for deciding questions involving the removal of attorneys from professional practice in the state. The Court is assisted in this activity by the disciplinary board of the state bar, which prosecutes all disciplinary proceedings before the Court. This board is comprised of seven members, six of whom are appointed by the president of the state bar association, and one of whom is appointed by the Chief Justice.

Also, the discharge of these disciplinary duties requires that the Court establish a code of conduct regarding appropriate behavior of the members of the legal community, and hold disciplinary hearings to consider violations of these guidelines. Through this process, the Court is able to maintain control over the professional conduct of the attorneys of the state.

Administrative authority over the judges and justices of the court system is also exercised by the Supreme Court, assisted by the Judicial Qualifications Commission, which is discussed on the following pages.

The administrative rule-making power of the Supreme Court also applies to lower court practice and procedure, encompassing such judicial items as the regulation of civil litigation and criminal prosecution, and the Rules of Appellate Procedure. Supreme Court Rules, other than those designated as "internal procedures" (which include policy regulation, for example, of judicial system personnel), become part of state law, just as the statutes passed by the legislature.

Administrative responsibility of the Court also includes general management and supervision of the Unified Judicial System, which occasionally involves the modification of the number of circuit court judges and boundaries of circuits.

Some rules recently issued by the Supreme Court include the modification of the costs and procedures for ordering transcripts of court actions, a revision of the time limitations for serving and filing appellate briefs and motions, new requirements regarding elements of good moral character for the practice of law, changes in the process for the issuance of a certificate of probable cause, and amendments to the South Dakota Rules of Professional Conduct for the practice of law in the state.

Beyond these rule-making functions, the Court appoints personnel to specific permanent positions in the judicial system, authorizes commissions within the judicial branch, and approves membership on those commissions. The Court also establishes rules for effective administrative policy in the system, such as regulations governing official travel, and for training of the personnel in the Unified Judicial System.

In addition, the Court may appoint such personnel as may be appropriate to serve the needs of the state judiciary. The Court's administrative responsibility is exercised normally through the power of the Chief Justice, as specified in SDCL 16-2-20, which provides extensive authority for him to take any action necessary to ensure the efficiency of the judiciary process. The Court is assisted in this role by the State Court Administrator, the staff in his office, and the presiding judges.

Settlement Conference

The appellate settlement conference is an innovation recently introduced into the South Dakota appeals process to provide for disposition of part of the Court's workload by a Court-appointed conferee. This conferee, meeting with the parties to the appeal, attempts to facilitate a settlement between them, or to clarify the main issues of the appeal.

This process provides an alternative method of disposing of an appeal by having the parties involved--usually through their attorneys--meet in their own locality and attempt to reach an agreeable settlement without requiring a decision by the Supreme Court. Docketing statements that are filed with the appeal indicate the willingness of the parties to participate in a conference. These are screened by the Court's staff attorneys, who select those that seem most amenable to settlement by the conference process.

This process helps conserve the resources of both the litigants and the Court. The litigants save part of the normal expenditure for legal briefs, transcripts and attorney's travel costs, as well as the expense saved by reducing the attorney's time spent in preparation for, and presentation of, an oral argument before the Supreme Court. The Court saves time usually spent in researching the case and preparing an opinion.

Settlement conferences may be properly requested only by parties appealing from lower court decisions that involve money judgments, domestic relations cases, workmen's compensation, or administrative agency decisions. A conferee, however, may invite participation, if it seems appropriate, by the parties to any civil (non-criminal) appeal.

Each conferee--usually a retired judge or justice, or an attorney who has special background--is appointed by the Court to deal with a specific case. The conferee is expected to be aware of relevant Supreme Court decisions, and to have the skill to analyze the issues involved and present suggestions for effective settlement.

Data for the settlement conferences held since fiscal year 1987 are shown on Table 1.

SUPREME COURT DATA

Supreme Court Data

The information on Table 1 is presented graphically on Chart 1. Categories shown are those that are most commonly used in Supreme Court cases.

In the table, "Intermediate Appeals" are appeals from circuit court decisions that are not final and not appealable of right. These are accepted at the discretion of the Supreme Court.

A "Notice of Review" is filed by an appellee (the prevailing party in the lower court, against whom the appeal is brought) when he seeks review of any judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing, but not a separate disposition. It is disposed as part of the original appeal.

Under the "Dispositions" heading, the category of "Expedited Appeals Granted" represents those appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1.

In these proceedings, the Court, on its own motion, may either affirm or reverse the judgment or order from which the appeal is taken. The term "expedited appeal" is used because it usually takes less time to process appeals under this rule. The Court must be unanimous in its decision to render the summary disposition, and that decision is set out in an order or memorandum opinion.

Every case that has been filed in which no decision has yet been entered is a pending case. There are three main subcategories of pending cases, as shown on Table 1. Cases that have been completely briefed, orally argued or submitted to the Court on briefs, and which await only final disposition by the Court, are placed in the "Submitted and Pending" category. Cases that have been completely briefed and are awaiting placement on the Court's calendar are placed in the "Ready for Submission" category. Cases that have been filed, but are still in the transcript or briefing stages are placed in the "Not Ready for Calendar" category.

The lower part of the table shows settlement conference data for the three fiscal years they have been available. For FY 1989, out of a total of 60 filings (most requested by the appellant), 33 conferences were held, with another 9 still pending at the end of the fiscal year. The number of filings and conferences are both down slightly from the previous fiscal year.

In the bar chart, cases "Submitted and Pending" are shown as "Pending." The category of "Ready for Submission" is shown as "Ready."

The data shown in the chart illustrate that total appellate filings have decreased noticeably in fiscal year 1989 after having risen steadily over the previous four years. Even with the decrease, filings are still considerably higher than they were in fiscal 1985. In addition, dispositions during fiscal year 1989 are at the highest point in the past five years, reflecting a high level of productivity for the Court during the year.

Cases submitted and pending--that is, awaiting a decision by the Court, have decreased about 17%, returning to the approximate level of 1986.

The total of cases ready for submission number 58, the second-lowest in the past 5 years.

SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989
FILINGS	375	395	449	463	426
Appeals	291	314	362	370	325
Intermediate Appeals	12	28	20	27	37
Original Proceedings	38	30	26	21	29
Notice of Review	29	19	34	37	33
Miscellaneous Filings	5	4	7	8	2
DISPOSITIONS	369	419	381	463	484
Opinions/Cases	183/223	207/252	186/207	194/243	199/247
Orders of Dismissal/Cases	69/74	80/81	104/105	103/104	106/106
Orders of Denial	33	18	14	14	27
Miscellaneous	7	27	26	24	27
Expedited Appeals Granted	32	41	29	77/78	77
PENDING CASES (as of 6-30)	279	263	336	341	287
Submitted and Pending	95	80	109	91	82
Ready for Submission	62	44	63	74	58
Not Ready for Calendar	115	136	163	174	146
Other	7	3	1	2	1
SETTLEMENT CONFERENCES					
Total Filings			93	71	60
Filed by Appellant			85	66	52
Filed by Appellee			6	4	7
Invited by Conferee			2	1	1
Ineligible			38	27	17
Refused			12	6	7
Conference Unsuccessful			20	27	22
Case Settled			12	13	11
Pending (End of FY)			9	7	9

Table 1. Supreme Court Caseload Compared by Fiscal Year

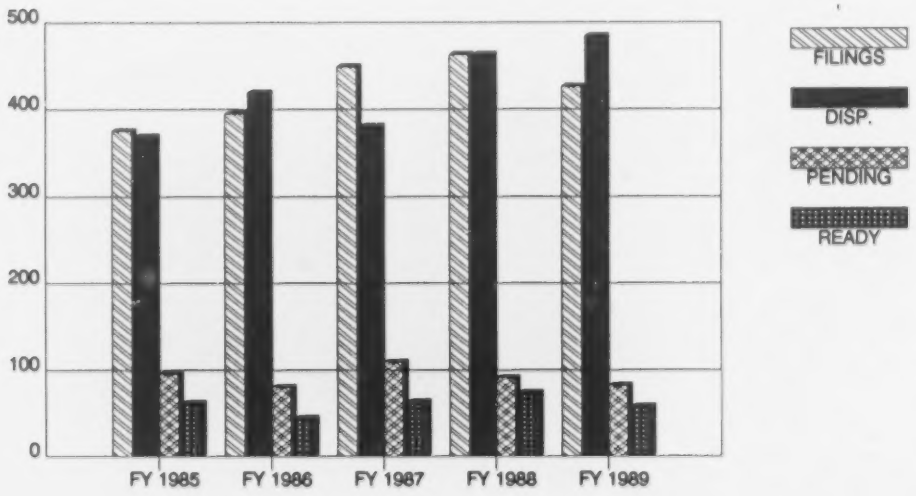


Chart 1. Supreme Court Caseload Comparison

CIRCUIT COURT

Circuit Court

The circuit courts are the trial courts of general jurisdiction. This means the circuit court judges have original jurisdiction in all cases and proceedings except those reserved for the Supreme Court. Appeals from decisions of the magistrate court (a subdivision of the circuit court) are also heard by the judges of the circuit court.

Circuit court judges are elected at large from within their respective circuits for a term of eight years. In the event of a vacancy in one of these positions, the Governor appoints a replacement from a list of at least two candidates recommended by the Judicial Qualifications Commission. The circuit judge must be a voting resident of his circuit at the time he takes office. The thirty six judges, and the law-trained magistrates, in office at the end of calendar 1989 are listed on page 11. Map 2 below shows the boundaries of the eight judicial circuits.

Direct supervisory control over the circuit court procedures and personnel is exercised by the presiding judge of each circuit, who is appointed to this administrative position by, and serves at the pleasure of, the Chief Justice of the Supreme Court. The authority of the presiding judge includes the following.

1) Assigning circuit judges and arranging schedules for sessions of circuit court, and supervising the calendar for circuit court trials and hearings.

2) Appointing clerks, deputy clerks, bailiffs, and other personnel within the circuit, and establishing their rate of compensation as authorized by Supreme Court rule.

3) Arranging for the proper drawing of jury panels and for the reporting of cases.

4) Periodically reviewing and evaluating personnel performance in the judicial circuit.

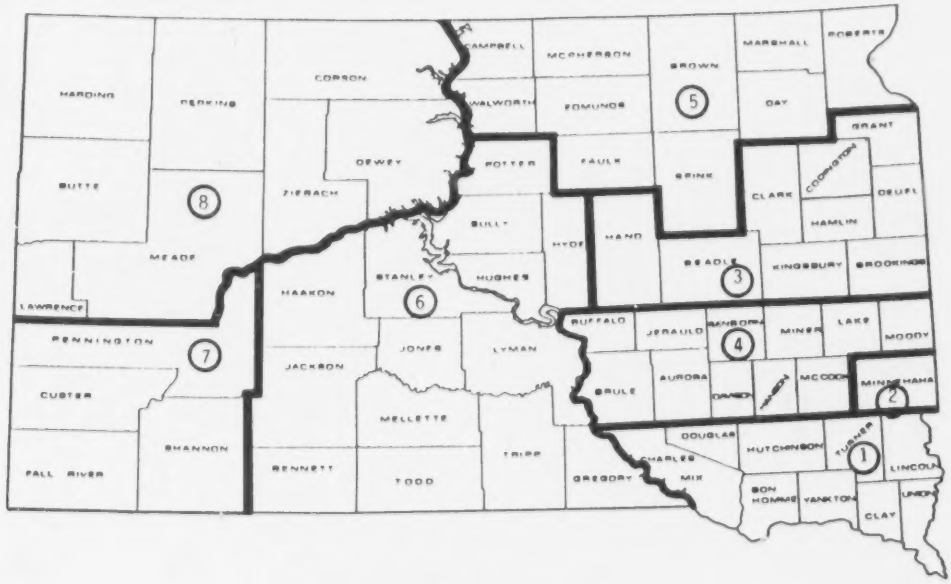
5) Monitoring the schedule of circuit judges to ensure their availability in each county according to statute.

6) Authorizing a schedule of fine and bond amounts to be used by magistrates and law enforcement officers in criminal prosecutions.

Circuit court jurisdiction over minor court actions is shared with the courts of limited jurisdiction, discussed below. Arraignment and trial of all felony cases are part of the exclusive jurisdiction of the circuit courts. The exclusive civil jurisdiction of these courts includes cases involving the following.

1) Dispute of title or boundary of real property
2) Divorce or annulment of marriage
3) Probate, guardianship and settlement of estates
4) Juvenile proceeding
5) Civil disputes in which damages claimed are in excess of $2,000.00.

As noted above, the circuit court has appellate jurisdiction over judgments, decrees and orders of magistrate courts. Decisions in small claims cases cannot be appealed.



Map 2. Judical Circuits and Counties

Magistrate Courts

In addition to the circuit courts, the South Dakota legislature has authority to provide for courts of limited jurisdiction. In the present system, these courts--the magistrate division--assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. In so doing, the magistrate courts make the judicial system accessible to more of the public, providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether there is a lay magistrate or a law-trained magistrate presiding.

The law-trained magistrate is required to be licensed to practice law in the state. Because of this legal knowledge, these magistrates are better able to provide effective decisions regarding more complex legal issues. Each full-time law-trained magistrate is appointed by the presiding judge of the circuit to a four-year term upon approval by the Supreme Court.

As is apparent from the list presented on page 11, a substantial number of the law-trained magistrates are part-time personnel, who may continue in their own private legal practice. Full-time law-trained magistrates are not permitted to have a private practice.

In addition to the functions of the court with a lay magistrate presiding, the law-trained magistrate may conduct preliminary hearings for all criminal charges, and act as a committing magistrate for all purposes. Also, with a law-trained magistrate presiding, the magistrate court may conduct trials for charges of criminal misdemeanor, civil actions involving amounts of $2,000 or less, and disputed small claims cases.

The lay magistrates, in contrast to the law-trained personnel, are more restricted in their jurisdiction. They may accept not-guilty, nolo contendere, and guilty pleas (and impose sentence) only in criminal cases for which the maximum penalty is $100.00 fine and thirty days in jail. Cases in which a not-guilty plea is entered are then scheduled for trial before a law-trained magistrate or circuit judge.

In all criminal cases, the lay magistrate is authorized to issue warrants for arrest or search, appoint legal counsel for defendants who are unable to pay for a lawyer, set bond for the release of the accused, and preside over preliminary hearings (unless a request is made by the accused to have the hearing before a law-trained magistrate or a circuit judge). In addition, the magistrate is authorized by statute to function as coroner when the regular coroner of the jurisdiction is not available.

The lay magistrate also has the power to perform marriages, to take depositions and administer oaths, and to enter judgments in defaulted small claims cases and other uncontested civil disputes involving amounts of $2,000 or less. Table 3 shows the number of personnel, by circuit, involved in the clerk and lay-magistrate activities. In most counties, the clerk of court also serves as the lay magistrate.

Although there is no educational requirement for a lay magistrate other than high school graduation, the lay magistrate is required by law to attend a training institute provided every other year by the State Court Administrator's office.

The state law assigns extensive authority to the lay magistrate, particularly in criminal cases, but the extent of the actual exercise of this authority varies considerably from one circuit to the next, depending on a number of factors. These factors include the policy of the presiding judge, the availability of law-trained magistrates and circuit judges, and the land area of the circuit.

Presiding Judge's Meeting

Throughout the year, the eight presiding judges meet with the Chief Justice and the State Court Administrator.

Through the presiding judges meetings, judicial circuit personnel are provided direct communications into administrative policy and procedural decisions of the Unified Judicial System. The agenda encompasses a wide variety of subjects involving policy, management problems, and current issues relating to the operation of the courts.

Also, the meetings allow the presiding judges to coordinate administrative activities among the circuits and keep themselves abreast of the latest developments in the court system. This promotes uniformity and administrative efficiency for the judges and staff in the judicial circuits. These conferences also provide an opportunity for members of the executive branch and the legislature, and other interest groups, to meet and discuss issues of mutual concern with the judicial personnel responsible for the implementation of operations at the circuit court level.

During the year, agenda items for the presiding judges meetings included establishment of judicially appointed referees for child support hearings, improved salary equity for employees, investment of trust money in interest bearing accounts, a payment schedule for court appointed attorneys and guidelines for determining eligibility for such appointment, uniform protection orders, alternative care for juveniles, adolescent outpatient chemical dependency treatment, out-of-home placement of problem juveniles, centennial projects for the courts, and automated accounting procedures.

Judicial Conference

Another primary channel of management communication in the Unified Judicial System is the annual meeting of all circuit judges and Supreme Court justices, required by state law and usually held in the Fall of the year. The purpose of this meeting, designated the Judicial Conference, is to give judges the opportunity to study the organization, rules, practices and procedures of the judicial system, and make recommendations to the Supreme Court for appropriate legislative and Supreme Court rules changes.

The formal deliberation agenda for the 1989 Judicial Conference included a discussion of proposed changes in the Canon of Judicial Ethics, inmate programs at the penitentiary and an overview of corrections policy, and consideration of court generated bills to be introduced in the 1990 legislature. The legislative changes included revisions in the final argument sequence in capital cases, definition of mental competence of a defendant, changes in the process of arrest of an accused and his delivery to the court for hearing, a proposed increase in the penalty for certain child sexual abuse cases, and the creation of a surcharge on filing fees to support computer operations in the court.

Judicial Qualifications Commission

This commission, created by Article V, Section 9, of the South Dakota Constitution, and supporting statute (SDCL 16-1A), is comprised of seven members. These include 2 citizens who are not members of the state bar, appointed by the Governor; 2 judges of the circuit court, elected by the Judicial Conference; and 3 persons practicing law in the state, appointed by the president of the State Bar Association. The four-year terms of the members are imbricated to promote administrative continuity.

The Judicial Qualifications Commission is primarily responsible for initiating disciplinary actions against members of the judiciary. It is empowered to receive complaints against any justice or judge, to hire personnel to investigate those complaints, and to conduct confidential hearings concerning the removal or involuntary retirement of the person subject to the inquiry. On recommendation from this commission, and after appropriate hearing, the Supreme Court may censure, remove, or retire such person for cause as specified in the Constitutional article and Supreme Court rule.

The commission also reviews applicants for vacancies on the Supreme Court and the circuit bench and nominates two or more of the most qualified to the Governor. The Governor then appoints one of those nominees to fill the vacancy.

BENCH PERSONNEL BY JUDICIAL CIRCUIT - 1989

FIRST JUDICIAL CIRCUIT, Judges:
Bogue, Richard E.
*Hertz, Ernest W.
Kern, Paul J.
Tapken, Jay H.

Law-Trained Magistrates:
**Cody, Mary Dell
Humphrey, David C.
Marmet, Robert G.

SECOND JUDICIAL CIRCUIT, Judges:
Amundson, Robert A.
Heege, Robert C.
Hurd, Richard D.
*Kean, Gene Paul
Meierhenry, Judith

Law-Trained Magistrates:
**Lieberman, Peter
**Neiles, Joseph

THIRD JUDICIAL CIRCUIT, Judges:
*Bradshaw, Dale E.
Erickson, Jon
Martin, Eugene L.
Steele, Rodney J.
Timm, Robert L.

Law-Trained Magistrates:
Bingner, Randy
Brekke, Dean

FOURTH JUDICIAL CIRCUIT, Judges:
*Gerken, Marshall M.
McMurchie, Boyd L.
Miller, Ronald K.
Tucker, Tim D.

Law-Trained Magistrates:
Kiner, Patrick
Sage, Doyle

FIFTH JUDICIAL CIRCUIT, Judges:
Berndt, Leland J.
*Dobberpuhl, Eugene E.
Evans, Vernon
Gilbertson, David E.

Law-Trained Magistrates:
Glynn, Richard
**Lovrien, Larry
Olander, James

SIXTH JUDICIAL CIRCUIT, Judges:
Anderson, James W.
Heck, Donald L.
*McKeever, Patrick J.
Talbott, Marvin S.
Zinter, Steven L.

Law-Trained Magistrate:
Gors, Max

SEVENTH JUDICIAL CIRCUIT, Judges:
Davis, Jeff W.
Grosshans, Roland
*Konenkamp, John
Tice, Merton B. Jr.
Young, Marshall P.

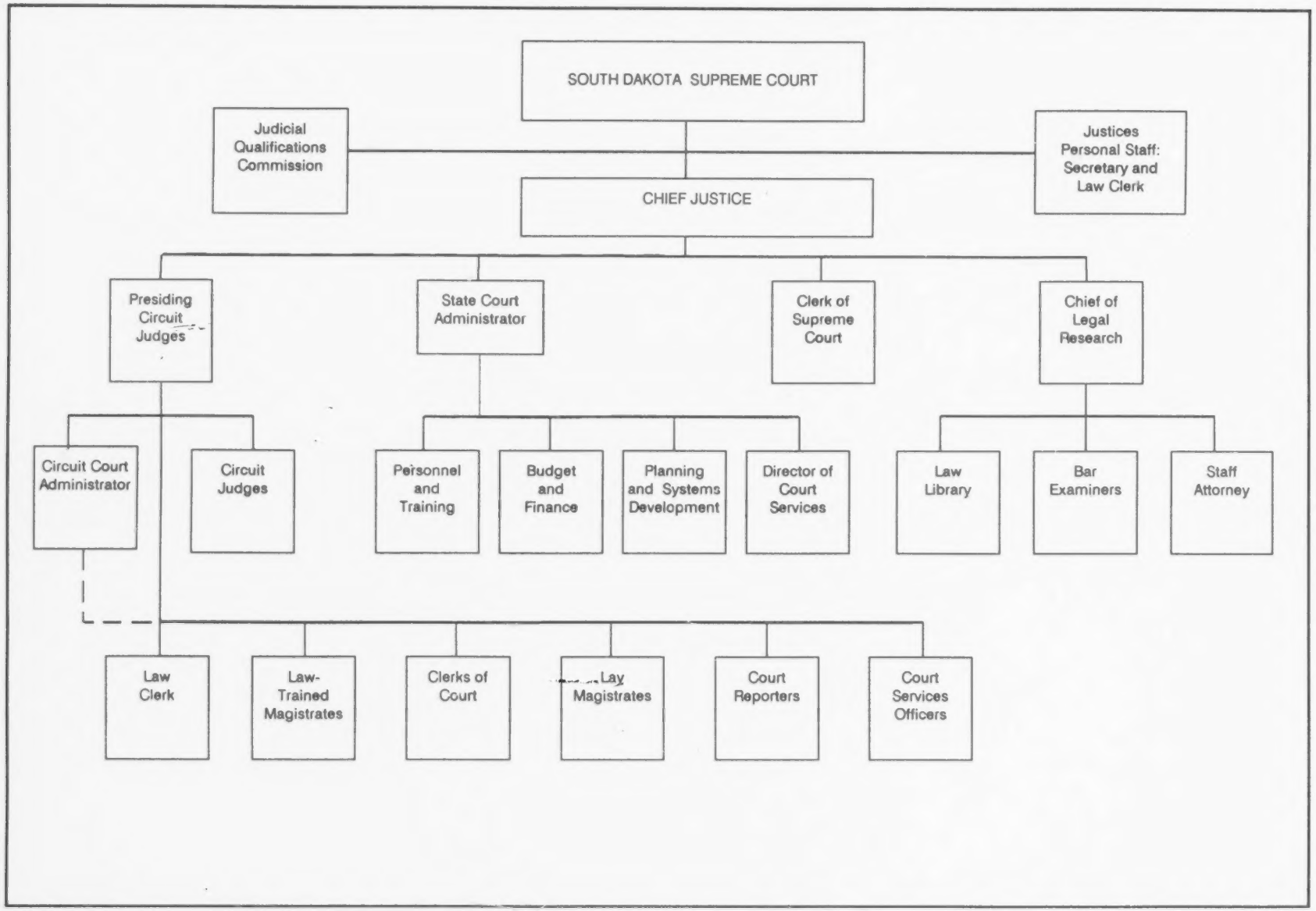
Law-Trained Magistrates:
**Klauck, Jack
**O'Connor, Michael

EIGHTH JUDICIAL CIRCUIT, Judges:
Johns, Timothy R.
*Johnson, Warren
Moses, Scott C.
Tschetter, Robert L.

Law-Trained Magistrates:
**Position Open
Hoggatt, Ralph
Severns, William L.

*Indicates Presiding Judge at end of fiscal year.
**Indcates Full-Time Magistrate

Table 2. Organization Chart of the Unified Judicial System



JUDICIAL STAFFING

State Judicial Staff

Justices' Law Clerks

Each Supreme Court justice employs a law clerk to assist in the extensive writing and research effort required for the preparation of formal Supreme Court opinions. The law clerks are recent law school graduates of high academic standing. They are selected for a one-year appointment that may be renewed for an additional year.

Clerk of the Supreme Court

The clerk assists the Supreme Court, and especially the Chief Justice, in the organization of the correspondence, exhibits, and other documentation related to the formal activities of the Supreme Court. This includes monitoring the progress of all appeals and original proceedings; scheduling oral arguments before the Court; recording Court decisions, orders and directives; and controlling their release and distribution. This office is also responsible for the management of all legal records of the Court; the compilation of appellate statistics; and the documentation and dissemination of all Court rules.

Chief of Legal Research

The attorney appointed by the Supreme Court to this position performs a number of tasks to assist the Court, particularly in the disposition of the technical workload. Responsibilities of the office include the following.

1) As executive secretary of the bar examiners, the Chief of Legal Research assists the examiners in developing, administering, and correcting the examinations given to candidates seeking admission to the bar.

2) As Supreme Court law librarian, the Chief of Legal Research is responsible for supervising and maintaining the Supreme Court law library of over 40,000 volumes.

3) The Chief of Legal Research also coordinates the efforts of staff attorneys in the prescreening of appeals and in drafting internal working memoranda, per curiam opinions, and orders for review by the Court. The staff attorneys screen the cases brought on appeal and make suggestions to the Supreme Court regarding disposition. These attorneys also help reduce the number of Court hearings by organizing the appellate settlement conferences, previously discussed. The purpose of these conferences is to help clarify the issues of the appeal, and to promote settlement between the parties, thus avoiding an expensive appeal and the need for a formal Court opinion.

State Court Administrator's Office

Directly responsible to the Chief Justice, the State Court Administrator serves as the chief management advisor to the Supreme Court. In coordinating policy decisions and developing management programs, this office provides administrative assistance and support services to the Unified Judicial System. Through biweekly meetings with the Supreme Court, administrative issues are discussed and policy decisions made which are implemented by the State Court Administrator.

In addition to these management and policy functions, there are four major subdivisions of the office, each operating within its own sphere of administrative activity.

The Personnel and Training Division is responsible for the maintenance of the Unified Judicial System personnel rules and the administration of all aspects of personnel and training activities for judicial employees. This involves the organization and implementation of training programs for all levels of personnel, including biennial training institutes for lay magistrates, and mandatory professional development programs for judges.

The personnel and training office is also responsible for the revision of personnel rules, and for the activities related to recruitment of new personnel for the judiciary. This includes publication of notices for open positions and coordination of interviews with prospective employees.

The Budget and Finance Division is responsible for the development and administration of the annual budget request and appropriation, the supervision of the accounting system, purchasing, voucher processing and payment, and maintenance of the master inventory. This office is also responsible for the creation of new forms, microfilming documents, and for maintaining the integrity of the accounting procedures for the Unified Judicial System.

The Division of Planning and Systems Development is responsible for computer programming and analysis, the operation and maintenance of the Criminal Justice Information System, collection of caseload data and maintenance of the system to make the data available, creation of software for use in the court system, and training of personnel in the use of computers.

The Director of Court Services, responsible to the State Court Administrator, acts as advisor on issues related to probation, problem juveniles, restitution, adult interstate compact for probationers, and other court services matters. The director is also responsible for the development and coordination of all professional development activities of court services officers, and staffs the meetings of chief court services officers.

Circuit Judicial Staff

Circuit Court Administrator

The circuit court administrators assist the presiding judge in the management of the circuit. This includes budget, personnel, accounting programs, and statistical reporting responsibility. Presently only the second and seventh circuits are staffed with full time circuit court administrators. In the other circuits, there is an administrative secretary or assistant who performs these functions.

Law Clerk

Every judicial circuit now has the benefit of the services of a full-time law clerk. These are recent law-school graduates employed to provide research assistance to the presiding judge and circuit judges in the preparation of case judgments and orders of the court.

Clerk of Court

Every county in South Dakota is assigned a clerk of court. In a few counties the clerk is employed on a part-time basis. The duties of the clerk, and the deputy clerks that assist in the office, are to organize the court calendar for the county, accept and record fines and fees, perform recordkeeping and filing functions for the courts, and maintain appropriate court records for the judicial reporting system. The clerk also assists and informs the public about the schedule of the court, proper filing procedures, and about other matters of public interest such as the small claims process. In addition, the clerk of court performs the lay magistrate functions in most counties.

The Clerks' Advisory Committee, which includes a clerk-representative from each judicial circuit, meets with the State Court Administrator, and members of his staff, periodically. The purpose of these meetings is to discuss the needs and problems of the clerks' offices, develop solutions, revise the clerks' procedures manual, and make recommendations to the presiding judges regarding administrative or legislative changes.

Court Services Officer

The duties of the court services officers include the following.

1) Designing and supervising juvenile diversion program services.

2) Conducting juvenile, misdemeanant and felony presentence investigations and preparing related written reports and recommendations.

3) Providing probation services to juvenile, misdemeanant and felony probationers and their families.

4) Placing and supervising juvenile offenders in family foster homes and residential group care programs.

5) Providing after care services to juveniles returning to their communities after completing foster or residential care, or programs at correctional facilities.

6) Planning and collecting offender paid victim restitution, and developing and supervising offender community-service programs.

7) Providing divorce custody investigations and mediation services, and monitoring divorce custody visitations and adoption investigations.

8) Furnishing public education programs, and managing community-based service activities for juvenile, misdemeanant and felony offenders.

9) Collecting attorney fees, court costs, probation fees, work release costs, drug-buy money, and other costs and fees.

10) Providing interstate-compact supervision services for probationers convicted in other states who want to live and work in South Dakota.

Coordinating the activities of the court services officers are the chief court services officers, one of whom is appointed by the presiding judge in each judicial circuit.

These officers provide administrative channels of communications for the court services programs in that circuit. The chief court services officers meet with the Director of Court Services on a quarterly basis, and with the presiding judges twice each year. The primary purpose of these meetings is to review the status of current programs in order to discern problems in the court services process and develop appropriate uniform solutions. In addition, they furnish a forum for court services personnel to coordinate their activities with those of other government agencies and private resource groups.

Court Reporter

Each circuit judge and most full time law-trained magistrates are assigned a court reporter whose duty it is to keep verbatim notes of required court activities, to make these transcripts available, and to assist the court in any related needs. The court reporters also provide secretarial services for the judge.

Clerk-Magistrate Staffing

Table 3, below, shows the number of persons in the various categories of clerk-magistrate and lay magistrate positions, full time and part time, by circuit. This year, separate counts for accountant, accounting clerk and compiler have been added. Overall, there is a very slight increase in the total number of personnel employed in the clerks' offices during the past fiscal year.

CLERK-MAGISTRATE STAFFING BY CIRCUIT, FY 1989

CIRCUITS:	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	STATE TOTAL
FULL TIME:									
Court Clerk-Magistrate	9	1	9	10	8	10	4	5	56
Deputy Court Clerk	3	20	6	0	6	0	17	0	52
Deputy Court Clerk-Magistrate	5	0	4	7	4	4	0	7	31
Accountant	0	1	0	0	0	0	0	0	1
Accounting Clerk	0	1	0	0	0	0	1	0	2
PART TIME:									
Court Clerk-Magistrate	0	0	0	1	2	3	0	3	9
Deputy Court Clerk	4	2	2	0	3	1	0	0	12
Deputy Court Clerk-Magistrate	4	0	5	8	4	10	0	6	37
Lay Magistrate	2	0	0	0	0	3	3	1	9
Document Compiler	0	0	0	0	1	0	0	0	1

Table 3. Clerk-Magistrate Staffing By Circuit

FY 1989 STAFFING ALLOCATIONS BY JUDICIAL CIRCUIT

Position / Circuits:	1st	2nd	3rd	4th	5th	6th	7th	8th	Total
Bailiff	0.3	3.4	0.3	0.4	0.3	0.4	1.2	0.4	6.7
Circuit Judge	4.0	5.0	5.0	4.0	4.0	5.0	5.0	3.0	35.0
Clerk of Court	9.0	1.0	9.0	10.4	9.1	11.7	4.0	7.0	61.2
Court Administrator	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	2.0
Court Reporter	4.0	7.0	5.0	4.0	5.0	5.0	7.0	4.0	41.0
Court Services Officer	7.0	15.0	9.0	6.0	7.0	7.0	13.0	6.0	70.0
Deputy Clerk of Court	11.8	23.0	13.9	8.5	12.6	8.0	18.0	8.1	103.9
Law Clerk	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	8.0
Law-Trained Magistrate	2.0	2.0	0.9	1.0	1.8	0.5	2.0	2.0	12.2
Lay Magistrate	0.4	0.0	0.0	0.0	0.0	0.9	0.8	0.6	2.7
Secretary	3.0	5.0	4.5	3.0	3.7	3.0	6.5	3.0	31.7
TOTAL	42.5	63.4	48.6	38.3	44.5	42.5	59.5	35.1	374.4

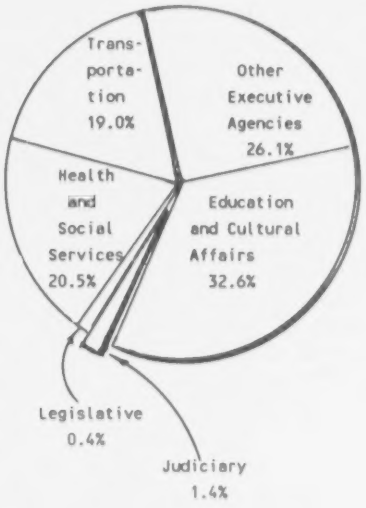
Table 4. Staffing Allocations By Circuit

Staffing Allocations

Table 4 reflects full-time equivalent (FTE) positions, counting hours worked rather than the numbers of total personnel. Because many of the positions filled in the Unified Judicial System are part-time, the staffing data is represented as full-time equivalent (FTE), which is based on hours worked per year (2080 hours = 1 FTE). So, two persons employed, each on a half-time basis, in a given position would appear in the table as 1.0 FTE.

The most noticeable change in Table 4 is the increase of court services officers during the year to accommodate the new responsibilities assigned to them.

FINES, FEES AND FINANCES



AGENCY (Full-Time Employees)		AMOUNT (MILLIONS)	PERCENT OF TOTAL
EXECUTIVE			
Transportation (1293)		$201.7	19.0%
Education and Cultural Affairs (4587)		346.5	32.6%
Health and Social Services (1322)		217.2	20.4%
Other Executive Agencies:			
Charities and Corrections (2209)	$91.1		
Labor (472)	25.8		
Executive Management (410)	49.7		
Game, Fish and Parks (475)	20.0		
Commerce and Regulation (514)	24.2		
Other (1063)	66.9		
Total, Other Executive Agencies (5143)		277.7	26.1%
LEGISLATIVE (101)		4.5	0.4%
JUDICIARY (420)		14.6	1.4%
TOTAL (12,866)		$1,062.2	100.0%

Table 5. State Budget Allocation

Financing The Unified Judicial System

The judicial system collects millions of dollars every year in fines, bond forfeitures, fees and costs. However, because of the obvious ethical questions that would be involved if court judgments produced court income, none of this money is used to finance the judicial system (refer to Table 7 on page 19). All the money collected by the judiciary is disbursed into other areas of public budgeting such as the school districts or city and county general funds.

Because the judicial system of the state does not generate any of its own funding, it must be financed by money from other sources, primarily the state budget. As demonstrated in the budget allocation data above, the judiciary's share of the budgetary pie is minuscule in comparison with that of major executive-branch agencies.

The state has the responsibility of funding the operations of the Supreme Court, the State Court Administrator's Office, circuit courts, clerks of court, court services programs, the out-of-home placement cost for juveniles, and training. State funding provides for personal services, which include salaries and benefits, for the employees in these operations. This cost for FY 1989 was 11.1 million dollars for 369 full-time and 97 regular part-time employees.

The state also funded operating costs of 3.1 million dollars in fiscal year 1989. These operating costs include travel, contractual services, supplies and materials, and capital assets.

In addition to state funding, city and county governments are required by state law to pay for certain court related expenses.

The responsibility of the county in supporting its court operation includes all jury and witness fees, and transcript costs and attorney fees for indigent defense. Also, counties are required to provide operational facilities for the circuit court, clerks of court, and court services. These facilities include office space, courtrooms, jury rooms, and other meeting rooms needed to support the courtroom activities. In addition, many counties maintain their own county law libraries, partially funded from a law library fee collected on each civil filing in the circuit court.

In FY 1989, the legislature required the counties to reimburse the state's general fund 10% of the total expenditures for the operation of the Unified Judicial System for the previous fiscal year.

The total amount of the reimbursement is pro-rated to each county, based upon percentage of the state population that resides in the county. Credits are allowed to the county for the amount of space provided for the operation of the courts. Beginning in July, 1987, some counties receive a credit for people living on land that is not subject to jurisdiction of the state.

Municipalities are generally required to provide funding to support activities that are necessary to enforce munici-

pal ordinances and bylaws. This includes jury fees, witness fees, and transcript costs and attorney fees for indigent defendants, as all of these are applicable to city ordinance. Municipalities also provide facilities for some magistrates' courts. These facilities consist of office space, courtrooms, and other meeting rooms to support formal court activities. The legislature requires that the state general fund receive 35% of all fines, penalties and forfeitures collected for violation of municipal ordinances.

The State Court Administrator's office manages the fiscal operations of the Unified Judicial System. This includes assisting the Supreme Court in the preparation and submission of the annual consolidated budget request; the administration of the operating budget; and the management of the uniform accounting of all receipts and disbursements of funds for the circuit and magistrate courts. The definitions below apply to the categories of accounting information in Table 6.

DEFINITIONS OF RECEIPT CATEGORIES

City Fines: Fines Collected for violations of city ordinances of which 65% is paid into the city general fund. The remaining 35% is paid into the state general fund. This is the city's payment to the state for the services provided by the Unified Judicial System.

City Costs: Costs which are levied in conjunction with city fines. This is a reimbursement to the city for an identifiable amount spent by the city in prosecuting a case. These funds are paid into the city general fund.

City Forfeitures: Forfeitures of bonds which were posted because of a violation of a city ordinance. These funds are also paid into the city general fund (65%) and the state general fund (35%).

State Fines: Fines collected for violations of state laws. These are paid into the county treasury for eventual transfer to the school district of the county in which the violation occurred.

State Costs: Costs which are levied in conjunction with state fines. These represent an expense the county had in connection with a given case. This money is paid into the county general fund.

State Forfeitures: Bond money forfeited and retained for violations of state laws. This money is paid into the county general fund.

Cash Fees: Fees charged for the filing of various civil actions. This money is paid into the county general fund.

Law Library Fee: A fee of $1.00 or $3.00 charged in addition to the civil case filing fee. This money is used to support the county law library.

Liquidated costs: A $15.00 surcharge set by the state legislature to be assessed for all criminal cases. Eleven dollars of this is to be used for training of law enforcement, corrections, and judicial personnel. Four dollars is used to provide partial reimbursement to counties for costs of counsel for indigent criminal defendants. The money is paid into the state treasury for distribution.

Court-Appointed Attorney Fee: A cost recovered from indigent defendants after conviction, used to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasurer.

Petty Offense Fine: A fine of $20, specified by the legislature to be paid for violation of certain state laws designated as petty offenses. The money is handled the same as a state fine.

Restitution: Money collected by the court from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

Posted Bonds: Bond posted in conjunction with a criminal case. This money is either forfeited and used to pay subsequent fines and costs, or returned to the defendant.

Child Support: Payments collected by the clerk of court from one party in a divorce action for payment to the other party as financial support for the children involved.

Trust Fund: Money deposited with the clerk pending a decision regarding ownership. Also long-term bonds posted in criminal cases. Examples are Supreme Court appeal bonds or specific performance (peace) bonds.

Other: Collections that do not fit any of the foregoing categories.

CLERK OF COURT RECEIPTS AND DISBURSEMENTS
FISCAL YEAR 1989

	FIRST CIRCUIT	SECOND CIRCUIT	THIRD CIRCUIT	FOURTH CIRCUIT	FIFTH CIRCUIT	SIXTH CIRCUIT	SEVENTH CIRCUIT	EIGHTH CIRCUIT	STATE TOTALS
CASH RECEIPTS:									
CITY FINES	$103,290	$381,353	$109,345	$63,174	$125,399	$41,922	$149,006	$58,552	$1,032,041
CITY COSTS RECOVERED	20	383	36	0	4,583	20	200	725	5,967
CITY FORFEITURES	15	2,151	11,631	2,632	0	0	0	0	16,429
STATE FINES	1,087,358	725,526	666,896	544,000	668,331	656,233	626,999	713,993	5,689,336
STATE COSTS RECOVERED	12,751	38,002	24,271	6,685	13,044	16,720	83,073	21,446	215,992
STATE FORFEITURES	9,588	29,885	1,315	3,275	9,855	3,945	14,701	7,275	79,839
CASH FEES	90,189	171,424	103,828	67,973	101,239	64,952	131,855	61,171	792,631
LAW LIBRARY FEE	7,333	14,239	8,861	5,863	8,316	5,058	11,429	5,151	66,250
SMALL CLAIMS POSTAGE	4,854	8,292	7,237	4,840	4,972	3,204	8,687	3,828	45,914
LIQUIDATED COSTS	319,446	427,008	220,505	187,054	226,460	187,177	267,737	165,621	2,001,008
COURT APPOINTED ATTORNEY FEES	$20,037	$13,096	$33,465	$18,608	38,573	$24,073	$27,436	$13,011	188,299
PETTY OFFENSE FINES	$350	$527	800	120	1,190	2,020	$2,280	100	7,387
RESTITUTION	79,266	249,168	88,572	57,878	120,979	65,158	192,843	66,763	920,627
POSTED BONDS	199,607	286,211	177,741	115,820	222,718	132,777	533,358	192,686	1,860,918
OTHER	28,388	14,859	45,886	15,056	56,055	61,625	282,180	2,955	507,004
CHILD SUPPORT	1,034,605	1,792,597	2,380,008	1,067,815	1,480,015	1,196,491	3,706,056	1,171,252	13,828,839
TRUST FUND	46,008	166,932	137,747	240,614	130,345	208,468	37,896	186,648	1,154,658
TOTAL RECEIPTS	$3,043,105	$4,321,653	$4,018,144	$2,401,407	$3,212,074	$2,669,843	$6,075,736	$2,671,177	$28,413,139
CASH DISBURSEMENTS:									
REMITTED TO CITIES	$67,231	$249,661	$78,651	$42,856	$86,093	$27,284	$96,991	$38,790	$687,557
REMITTED TO COUNTIES	1,227,605	991,815	839,680	646,535	840,380	774,338	897,017	821,786	7,039,156
RESTITUTION	78,638	244,221	94,586	61,078	119,126	60,634	178,515	66,602	903,400
SMALL CLAIMS POSTAGE	4,854	8,292	7,237	4,840	4,972	3,206	8,688	3,828	45,917
POSTED BOND REFUND	165,498	268,379	164,738	104,678	211,304	119,914	511,035	191,453	1,736,999
CHANGE OF VENUE	501	700	415	364	265	245	100	28	2,618
OTHER	27,957	14,859	44,836	14,442	55,405	59,200	282,369	3,124	502,192
CHILD SUPPORT FORWARDED	1,034,605	1,792,597	2,380,008	1,067,815	1,480,015	1,196,491	3,706,056	1,171,252	13,828,839
TRUST FUND	73,335	80,957	148,201	80,763	111,247	151,186	118,399	88,906	852,994
REMITTED TO STATE	356,024	561,419	263,256	210,327	270,931	202,664	320,270	186,395	2,371,286
TOTAL DISBURSEMENTS	$3,036,248	$4,212,900	$4,021,608	$2,233,698	$3,179,738	$2,595,162	$6,159,440	$2,572,164	27,970,958

Table 6. Clerk of Court Receipts and Disbursements Fiscal Year 1989

CLERK OF COURT RECEIPTS COMPARED
FY 1985 TO FY 1989

RECEIPTS, TYPE:	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989
City Fines	$1,215,439	$1,052,806	$1,027,712	$986,357	$1,032,041
City Costs Recovered	3,074	2,353	4,128	6,592	5,967
City Forfeitures	14,200	14,725	12,245	17,911	16,429
State Fines	$5,963,562	5,029,424	$5,746,279	$5,739,815	5,689,336
State Costs Recovered	215,166	240,094	224,837	193,014	215,992
State Forfeitures	88,356	59,177	103,989	91,949	79,839
Cash Fees	824,266	829,429	805,278	789,881	792,631
Law Library Fee	71,419	73,359	69,518	67,726	66,250
Small Claims Postage	37,803	42,414	38,279	40,139	45,914
Liquidated Costs	1,490,788	1,556,996	1,709,583	1,911,784	2,001,008
Court Appointed Attorney Fee	130,269	137,170	139,425	196,674	188,299
Petty Offense Fines	6,560	10,133	7,187	7,669	7,387
Restitution	596,664	721,622	824,885	899,903	920,627
Posted Bonds	1,791,982	1,547,583	1,432,455	1,372,219	1,860,918
Other	863,237	501,159	398,466	477,325	507,004
Child Support	8,911,830	10,315,751	11,474,749	12,547,327	13,828,839
Trust Fund	1,124,234	543,622	943,217	1,208,999	1,154,658
TOTAL RECEIPTS	$23,348,849	$22,677,817	$24,962,233	$26,555,284	$28,413,139
DISBURSEMENTS, TYPE:					
Remitted to Cities	$803,295	$697,239	$680,548	$659,767	$687,557
Remitted to Counties	7,305,235	6,377,284	7,101,875	7,088,606	7,039,156
Restitution	587,820	731,825	771,370	912,086	903,400
Small Claims Postage	37,343	39,389	32,090	40,127	45,917
Posted Bond Refund	1,797,356	1,636,290	1,442,059	1,448,094	1,736,999
Miscellaneous Refund	2,135	2,401	3,141	2,660	2,618
Other	863,998	498,608	393,119	519,429	502,192
Child Support Forwarded	8,911,830	10,315,751	11,474,749	12,547,327	13,828,839
Trust Fund	886,126	735,550	768,129	694,558	852,994
Remitted to State	1,924,817	1,932,511	2,075,994	2,265,442	2,371,286
TOTAL DISBURSED	$23,119,955	$22,966,848	24,743,074	26,178,096	27,970,958

Table 7. Clerk of Court Receipts and Disbursements Compared

Receipts

Chart 2, below, shows some of the types of receipts collected by the clerk of court offices throughout the state. Restitution is the amount of money required by the court to be paid to the victim of a crime by an offender. The collection, accounting, and disbursement of the restitution is the joint responsibility of the court services officer and the clerk of court. It represents one of the ways in which the court system assists the victim of the crime, in addition to the punishment of the criminal by fine or incarceration.

Chart 2 shows that restitution has increased a little over 50% since FY 1985, and in FY 1989, restitution collections exceeded $900,000--the highest level for the five-year period shown.

The "fees" category represents the money paid by the public for services rendered by the court, such as providing transcripts of certain records in the court offices. Also, fees are collected for the filing--that is, at the beginning--of non-criminal court actions (small claims, probate, divorce, etc.). Total fees have declined slightly during the past three years--apparently a reflection of a similar decline in total civil cases--and are now slightly under $800,000.

Court-appointed attorney costs are paid initially by the county or city for accused persons who are unable to pay for a lawyer. The court assists in the collection of repayment of these attorney fees from the defendant, sometimes requiring repayment as a condition of probation. The amount of this repayment is shown in the chart below. The small decrease in FY 1989 includes only the portion of court-appointed attorney costs that were repayed by the defendant.

In addition to this direct repayment from the defendant, a certain portion of the costs collected on all criminal convictions is set aside and returned to the counties as a percentage of the total paid by the county for court appointed attorneys. This apportionment of costs is specified by SDCL 23-3-55 and is explained in some detail in the material following, under the title of "Fines and Costs." Also, Chart 9 on page 26 shows a comparison of total such costs and repayment over the five-year period since the beginning of FY 1985. Other details of repayment for court-appointed attorneys can be found on Tables 9 and 10, and the charts associated with those.

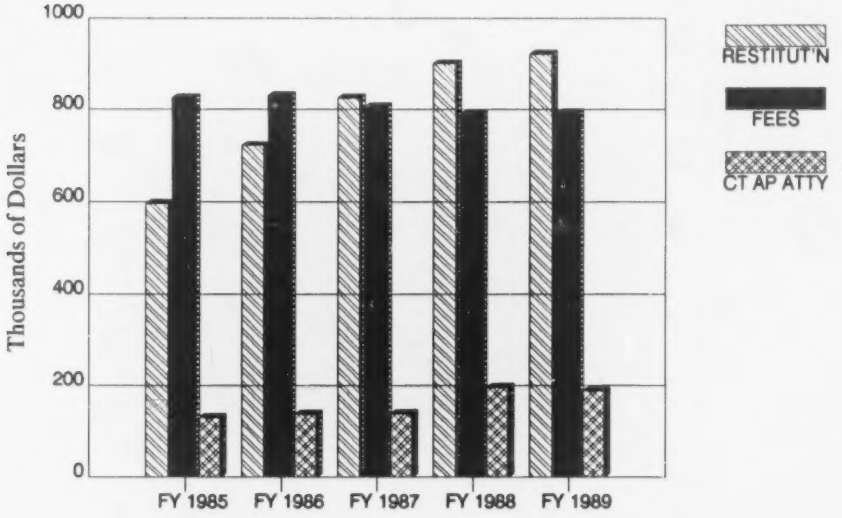


Chart 2. Selected Receipts Compared, Restitution, Fees, Court-Appointed Attorney Repayment

Fines and Costs

Chart 3, below, shows a comparison, by fiscal year, of fines and costs collected for criminal cases. State fines are assessed for violations of state laws and are deposited for use by the school district of the county in which the violation occurred. Of the city fine receipts, which are charged for violation of municipal ordinances, 65% of the amount is returned to the city general fund, and 35% to the state general fund.

The liquidated costs figure is collected as $15.00 added to all fines for conviction of state statutes, criminal offenses, and county or municipal traffic regulations (SDCL 23-3-52). The liquidated cost assessment, which was previously $12.00, was raised to $15.00 beginning in fiscal year 1988.

The increase in the total liquidated cost amount from FY 1988 to FY 1989 is $89,224, which is almost a 5% increase for the year. The liquidated costs collected during FY 1989 amount to over two million dollars--a 34% increase over the five-year period shown. If total costs were collected this year on each case, this would mean there were 133,401 cases on which the costs were received this year, as compared with 127,452 in the previous year. This represents an apparent gain of about 4%. In fact, the court occasionally waives the liquidated cost assessment, or some portion of it, if there appears to be financial hardship involved for the defendant.

The total disbursement of liquidated costs is divided three ways. The following is an approximate breakdown that may not correspond precisely to the actual expenditure amounts. Of the total $2,001,008, 73% ($1,464,265) is to be used, according to SDCL 23-3-55, for law enforcement training, highway safety law enforcement training, the operation of the statewide drug enforcement unit, state law enforcement equipment, the state crime laboratory, the training of corrections personnel, the training of prosecutors and Unified Judicial System personnel, and for other law enforcement purposes.

The remaining portion, about 27% ($536,743), is returned to the counties on a percentage basis for the payment of court-appointed attorneys representing low-income defendants accused of crimes. This is to be distributed annually by the state treasurer according to SDCL 23-3-53. See table 9 on page 27, for a county-by-county distribution of these funds.

State fine receipts have decreased slightly but steadily over the past three years. The decline in FY 1989 reflects a drop in traffic fines of $283,760 (while the filings increased). In FY 1988, total traffic filings were 137,653 and fines totalled $4,173,398; in FY 1989, they were 137,837 and $3,889,638, respectively. The increase in filings is probably related to the fact that "no auto insurance" offenses increased substantially. (Most are dismissed.) Details of traffic violations and fines can be found in the table on page 48.

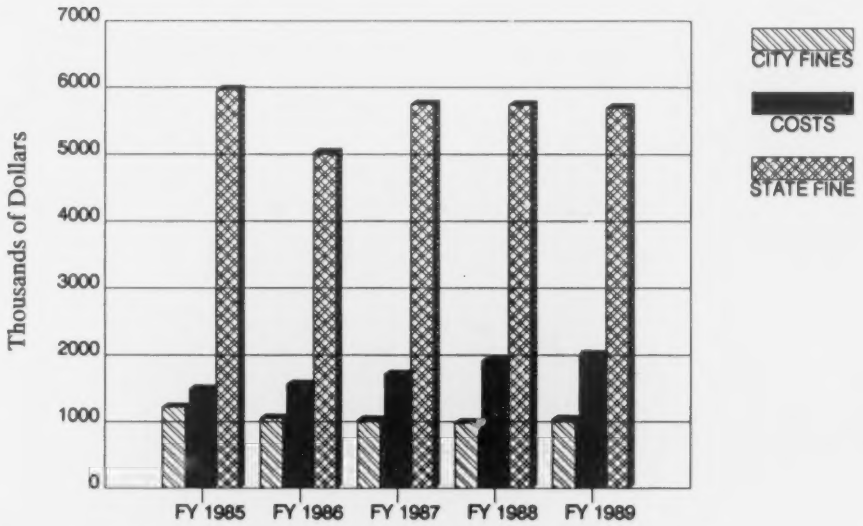


Chart 3. Selected Receipts Compared, Fines and Liquidated Costs

Child Support

In chart 4, in addition to total receipts, the two categories that comprise the largest share of money handled by the courts--child support and state fines--are also presented. Over the past four years, total receipts and child support receipts show a gradual increase. Child support payments are continuing the rising trend that has been evident for more than five years.

State fines have remained fairly stable over the past three years.

Child support payments, the largest single component of receipts processed by the clerks' offices, represent a significant service performed by the courts for the public. The clerks of court in these cases serve as bookkeeper and collection agency for the recipient parent, and ensure that the paying parent discharges the responsibility required by the courts.

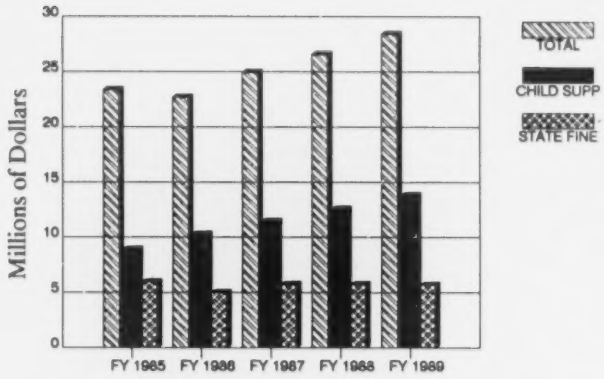


Chart 4. Selected Receipts Compared, Total, Child Support, State Fines

Disbursements

Chart 5 shows funds disbursed by the clerks of court to the state and its political subdivisions. Funds remitted to the counties include state fine amounts returned for school districts in accordance with Article VIII, Section 3 of the South Dakota Constitution. Changes over the years in these disbursements reflect the state-fine amounts shown on Table 7.

Disbursements to the cities are primarily city fines collected, which have increased slightly this year after a steady decline over the previous four years. The amount remitted to the cities is about 65% of the city fines collected. The remaining 35% is remitted to the state.

Amounts remitted to the state include liquidated costs and the 35% portion of city fines indicated above. Liquidated costs were increased in 1988 from $12 per case to $15 per case.

Disbursements to the counties include state fines, costs and forfeitures, and various fees for civil filings. Amounts remitted to the counties have decreased slightly over the past two years.

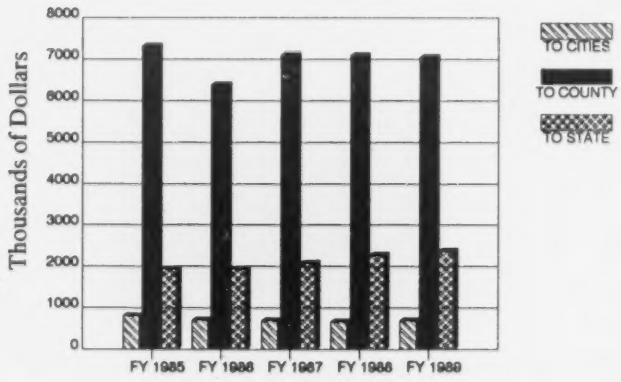


Chart 5. Selected Disbursements Compared

COMPARISON OF STATE FINES, BY COUNTY AND CIRCUIT: FROM FY 1985 TO FY 1989

COUNTIES	FY 1985	FY 1988	FY 1989	PERCENT CHANGE FY85-FY89
1ST CIRCUIT:				
Bon Homme	$24,768	$48,466	$44,461	79.5%
Charles Mix	69,398	91,974	79,317	14.3%
Clay	92,319	98,736	116,269	25.9%
Douglas	21,122	25,304	38,508	82.3%
Hutchinson	44,667	55,488	49,915	11.7%
Lincoln	95,620	91,139	116,973	22.3%
Turner	15,884	29,200	30,603	92.7%
Union	423,552	382,192	396,053	-6.5%
Yankton	204,220	213,091	215,259	5.4%
TOTAL	$991,550	$1,035,590	$1,087,358	9.7%
2ND CIRCUIT:				
Minnehaha	$845,819	$713,838	$725,526	-14.2%
3RD CIRCUIT:				
Beadle	$129,332	$121,934	$145,085	12.2%
Brookings	162,522	154,768	156,071	-4.0%
Clark	36,186	29,550	32,195	-11.0%
Codington	123,075	138,258	142,030	15.4%
Deuel	35,590	45,746	45,608	28.1%
Grant	40,291	29,446	50,162	24.5%
Hamlin	26,520	33,081	33,274	25.5%
Hand	34,622	28,353	33,223	-4.0%
Kingsbury	44,941	25,137	29,248	-34.9%
TOTAL	$633,079	$606,273	$666,896	5.3%
4TH CIRCUIT:				
Aurora	$48,136	$35,919	$35,305	-26.7%
Brule	58,769	55,599	57,341	-2.4%
Buffalo	5,463	3,475	1,505	-72.5%
Davison	158,565	128,521	147,772	-6.8%
Hanson	17,738	23,441	27,520	55.1%
Jerauld	28,873	21,348	25,627	-11.2%
Lake	51,186	68,360	53,822	5.1%
Mc Cook	43,724	45,763	50,981	16.6%
Miner	22,267	25,476	23,406	5.1%
Moody	86,692	94,088	102,987	18.8%
Sanborn	24,366	21,111	17,735	-27.2%
TOTAL	$545,779	$523,101	$544,001	-0.3%

COUNTIES	FY 1985	FY 1988	FY 1989	PERCENT CHANGE FY85-FY89
5TH CIRCUIT:				
Brown	$205,270	$242,923	$227,290	10.7%
Campbell	7,513		9,575	27.4%
Day	42,368	63,512	54,717	29.1%
Edmunds	37,917	36,100	25,574	-32.6%
Faulk	15,779	31,212	26,466	67.7%
Marshall	33,763	26,230	32,751	-3.0%
Mc Pherson	11,633	9,984	6,675	-42.6%
Roberts	216,617	168,556	144,890	-33.1%
Spink	51,087	53,881	56,816	11.2%
Walworth	66,369	76,218	83,578	25.9%
TOTAL	$688,316	$715,905	$668,332	-2.9%
6TH CIRCUIT:				
Bennett	$41,894	$34,602	$21,416	-48.9%
Gregory	33,603	31,291	31,787	-5.4%
Haakon	15,248	20,590	22,193	45.5%
Hughes	135,014	140,060	151,253	12.0%
Hyde	10,959	9,024	16,895	54.2%
Jackson	65,916	95,608	92,947	41.0%
Jones	27,135	28,436	26,801	-1.2%
Lyman	69,464	72,472	104,003	49.7%
Mellette	6,037	11,913	7,603	25.9%
Potter	25,430	30,746	37,252	46.5%
Stanley	47,858	54,079	49,553	3.5%
Sully	13,492	12,198	19,851	47.1%
Tripp	91,072	83,863	74,680	-18.0%
TOTAL	$583,122	$624,882	$656,234	12.5%
7TH CIRCUIT:				
Custer	$72,037	$60,656	$70,354	-2.3%
Fall River	60,417	66,827	65,583	8.6%
Pennington	23,607	40,588	34,434	45.9%
Rapid City	525,076	524,678	456,627	-13.0%
TOTAL	$681,137	$692,749	$626,998	-7.9%
8TH CIRCUIT:				
Butte	$80,378	$72,951	$54,159	-32.6%
Corson	13,936	20,810	22,648	62.5%
Dewey	9,944	8,509	7,835	-21.2%
Harding	41,773	28,481	20,042	-52.0%
Lawrence	339,651	261,442	230,999	-32.0%
Meade	473,050	385,209	350,144	-26.0%
Perkins	26,410	44,440	24,318	-7.9%
Ziebach	9,618	5,635	3,847	-60.0%
TOTAL	$994,760	$827,477	$713,992	-28.2%
STATE TOTALS:	$5,963,562	$5,739,815	$5,689,337	-4.6%

Table 8. State Fine Receipts Compared by County & Circuit

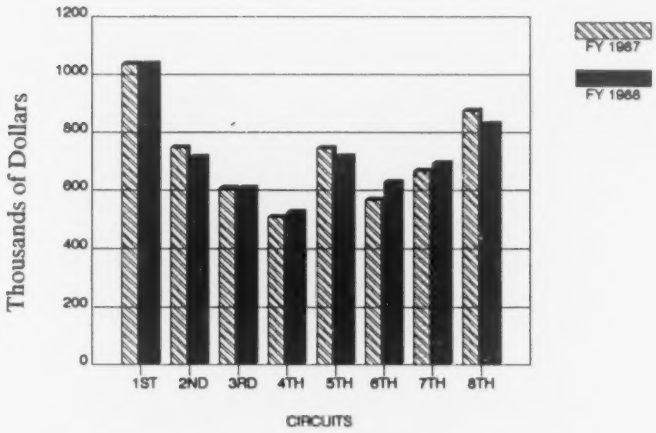


Chart 6. State Fine Receipts Compared by Circuit
FY87-FY 88

Comparison of State Fines

In Table 8 on the preceding page, total state fine receipts are compared between fiscal years 1985, 1988 and 1989. The associated graphics on chart 6 and chart 7 show a comparison of state fine receipts between FY 1987 and FY 1988, and between FY 1988 and FY 1989.

Chart 6 shows very little change from FY 1987 through FY 1988, during which time the total receipts for state fines decreased slightly. Also, in the comparison of the past two fiscal years, the decrease is less than 1%, but the circuit changes are a little more dramatic. It appears that, from '88 through '89, the decreases in receipts in the fifth, seventh and eight circuits were not quite offset by the increases in the other five circuits.

In Table 8, the comparison of state fines is shown along with the percent change for the five-year period from FY 1985 to 1989. Although there are some considerable percentage increases and decreases in the various counties across the state, the total receipts for the period, statewide, have changed very little.

With reference to circuit totals of revenues from state fines, the first and eighth circuits show the highest amounts for this fiscal year, while the first and sixth circuits show the highest percent of increase over the five-year period. Regarding state fines by county, other than the three most populous counties (Minnehaha, Pennington and Brown) the four counties showing totals over $200,000 are Union and Yankton Counties in the First Circuit, and Meade and Lawrence Counties in the eighth circuit.

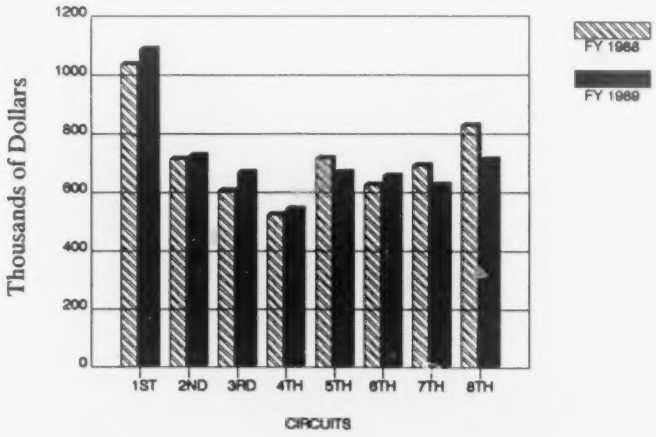


Chart 7. State Fine Receipts Compared Circuit
FY 88-FY 89

Court Appointed Attorney Costs

Table 9, page 27, shows costs and repayment for court-appointed attorneys and public defenders. Chart 8 is a graphic summary comparison of court-appointed attorney costs and repayment by circuit for FY 1989. Minnehaha (second circuit) and Pennington (seventh circuit) are the two counties that use their own public defender system. This means that the county pays a full-time legal staff to provide for the defense of economically disadvantaged persons accused of crime. Lawrence and Butte Counties (eighth circuit) also share a full-time public-defender office.

The data presented in these tables apply only to defense for felonies and class-one misdemeanors. Some counties, such as Lawrence and Butte, also occasionally employ court-appointed counsel in defense of class-two misdemeanant offenders.

There are also a significant number of court-appointments for juvenile offenders. The cost of these appointments is included in the data, but the appointments are not included. This means there is a possibility of distortion in the county data on Table 10. On that table, in which the total cost is divided by class-one misdemeanor and felony court appointments, the cost may appear higher than it actually is because the cost figure includes the cost of attorneys appointed for juvenile actions that may not be class-one misdemeanor or felony violations.

In counties where there is no public defender system, judges or magistrates appoint local attorneys to defend indigent defendants. Repayment policies are the same for both types of county. Generally, the defendant, regardless of whether he is convicted, is expected to repay the cost of the court-appointed attorney. If repayment is not made, the county may file a lien against the defendant for the court-appointed attorney cost.

In addition to the costs repaid by the defendant, state law has established a court-appointed attorney fund, into which is paid $4.00 as costs from each criminal conviction, including traffic violations (The fund is discussed on page 21). The fund this year has provided an allocation to each county of approximately 14% of the court-appointed attorney costs incurred. This figure is shown in the second numerical column on Table 9.

The data on Table 10, page 28, show an approximate average cost to the county for each court-appointed attorney case. This is done by dividing the total payment for the fiscal year by the total number of court appointment cases.

Table 10 also shows the percent of total class-one misdemeanor and felony filings that result in court appointment of an attorney. The state average is that 37% (about one out of three) of such filings result in the appointment of an attorney at county expense. This percentage represents a small increase over the previous year, and reflects an increase in the total cost of court-appointed attorneys from '88 to '89.

State-wide, the cost of court appointed counsel has increased by $171,294 (about 8%) during the year, as compared with a 2% decrease the previous year. This type of cost is difficult to predict from year to year because it depends on the number of serious criminal prosecutions that might develop in any county. The costs for the second circuit (Minnehaha County), for example, increased from FY 1986 to FY 1987 by $252,797, primarily through the prosecution of three extensive criminal trials. That increase would represent 10% of this year's total expenditure.

Chart 8 compares both cost and payback by circuit for FY 1989. The total cost of court appointments decreased noticeably in the first, fourth, sixth, and eighth circuits, and increased in the remaining four. Although the 1988 data are not shown, there was a 31% increase in the total court-appointed attorney payments in the third circuit, and a 46% increase in the fifth circuit during FY 1989.

Chart 9 shows that court-appointed attorney costs statewide increased about 41% from 1985 to 1989, and payback from all sources increased 92% during the same period. The total repayment to the counties for FY 1989 is about 30% of expenditure. The reason for the sharp increase in payback in FY 88, as shown in the chart, is that, beginning that year, the portion of state repayment allocated according to SDCL 23-3-55, was doubled from $2 to $4 out of the $15 assessed on each criminal prosecution.

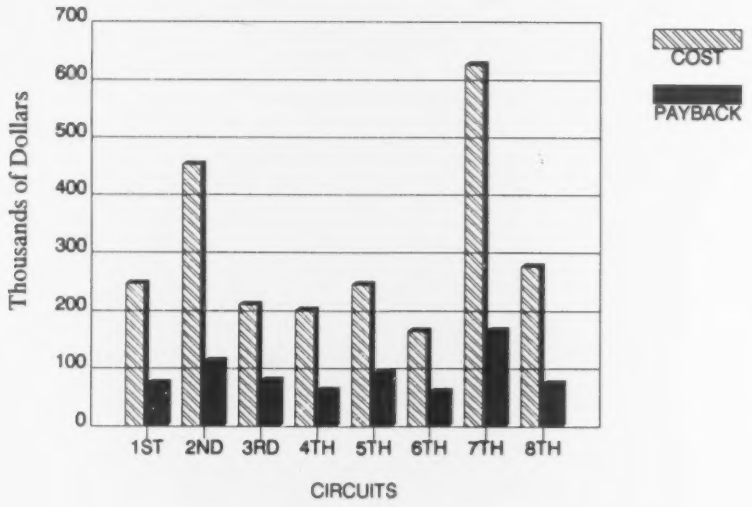


Chart 8. Court Appointed Attorney Repayment, by Circuit

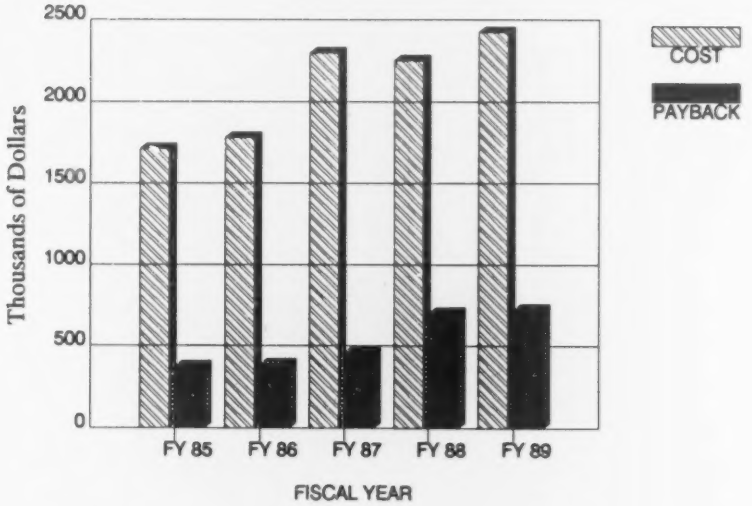


Chart 9. Court-Appointed Attorney Cost Payback by Fiscal Year

COUNTY EXPENDITURES AND REPAYMENT FOR COURT APPOINTED ATTORNEYS

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIRST CIRCUIT:				
BON HOMME	$4,841	$1,072	$346	29%
CHARLES MIX	$28,140	$6,230	1,032	26%
CLAY	$51,756	$11,458	2,701	27%
DOUGLAS	$6,584	$1,458	0	22%
HUTCHINSON	$4,912	$1,088	3,663	97%
LINCOLN	$40,704	$9,011	2,344	28%
TURNER	$3,864	$855	926	46%
UNION	$30,632	$6,782	3,115	32%
YANKTON	$75,920	$16,807	5,910	30%
TOTAL	$247,353	$54,761	$20,037	30%
SECOND CIRCUIT:	$452,008	$100,067	$13,096	25%
THIRD CIRCUIT:				
BEADLE	$56,334	$12,471	$9,106	38%
BROOKINGS	$52,886	$11,708	9,132	39%
CLARK	$2,173	$481	1,300	82%
CODINGTON	$65,364	$14,471	9,173	36%
DEUEL	$10,008	$2,216	1,583	38%
GRANT	$4,112	$910	1,605	61%
HAMLIN	$3,524	$780	651	41%
HAND	$8,052	$1,783	73	23%
KINGSBURY	$8,135	$1,801	842	32%
TOTAL	$210,588	$46,621	$33,465	38%
FOURTH CIRCUIT:				
AURORA	$9,457	$2,094	$507	28%
BRULE	$29,693	$6,574	1,755	28%
BUFFALO	$0	$0	0	0%
DAVISON	$84,288	$18,660	4,413	27%
HANSON	$1,178	$261	530	67%
JERAULD	$1,694	$375	719	65%
LAKE	$17,855	$3,953	4,249	46%
MC COOK	$29,633	$6,560	2,852	32%
MINER	$5,648	$1,250	987	40%
MOODY	$16,249	$3,597	2,161	35%
SANBORN	$5,637	$1,248	434	30%
TOTAL	$201,332	$44,572	$18,607	31%
STATE TOTALS:	$2,424,500	$536,743	$188,297	30%

COUNTIES	TOTAL PAYMENT BY COUNTY	ALLOCATION PER SDCL 23-3-55	PAYBACK FROM DEFENDANT	PERCENT REPAID TO COUNTY
FIFTH CIRCUIT:				
BROWN	$99,426	$22,011	$23,362	46%
CAMPBELL	$100	$22	0	22%
DAY	$12,907	$2,857	1,281	32%
EDMUNDS	$34,645	$7,670	1,574	27%
FAULK	$798	$177	$165	54%
MARSHALL	$4,544	$1,006	253	23%
MC PHERSON	$6,788	$1,503	30	23%
ROBERTS	$40,582	$8,984	5,178	35%
SPINK	$26,983	$5,974	$3,475	35%
WALWORTH	$18,475	$4,090	3,255	40%
TOTAL	$245,248	$54,294	$38,573	38%
SIXTH CIRCUIT:				
BENNETT	$3,905	$864	$1,443	59%
GREGORY	$9,456	$2,093	297	25%
HAAKON	$2,869	$635	0	22%
HUGHES	$91,332	$20,219	11,320	35%
HYDE	$914	$202	170	41%
JACKSON	$5,015	$1,110	729	37%
JONES	$1,643	$364	1,371	106%
LYMAN	$10,964	$2,427	1,257	34%
MELLETTE	$2,775	$614	897	54%
POTTER	$647	$143	227	57%
STANLEY	$5,233	$1,159	5,145	120%
SULLY	$2,181	$482	1,024	69%
TODD-TRIPP	$28,522	$6,314	192	23%
TOTAL	$165,456	$36,626	$24,072	37%
SEVENTH CIRCUIT:				
CUSTER	$30,368	$6,723	$350	23%
FALL RIVER	$42,120	$9,324	5,444	35%
PENNINGTON	$553,447	$122,524	21,642	26%
TOTAL	$625,935	$138,571	$27,436	27%
EIGHTH CIRCUIT				
BUTTE	$37,522	$8,307	$1,250	25%
CORSON	$10,489	$2,322	1,100	33%
DEWEY	$2,821	$625	443	38%
HARDING	$1,435	$318	0	22%
LAWRENCE	$126,630	$28,034	267	22%
MEADE	$92,198	$20,411	9,017	32%
PERKINS	$5,078	$1,124	934	41%
ZIEBACH	$407	$90	0	22%
TOTAL	$276,580	$61,231	$13,011	27%

Table 9. County Expenditures and Repayment for Court-Appointed Attorneys and Public Defenders

COURT-APPOINTMENT CASES AND COSTS

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIRST CIRCUIT:					
BON HOMME	$4,841	12	76	$403	16%
CHARLES MIX	28,140	74	246	380	30%
CLAY	51,756	39	289	1,327	13%
DOUGLAS	6,584	0	28	N/A	0%
HUTCHINSON	4,912	7	55	702	13%
LINCOLN	40,704	46	222	885	21%
TURNER	3,864	10	70	386	14%
UNION	30,632	42	336	729	13%
YANKTON	75,920	144	474	527	30%
TOTAL	$247,353	374	1,796	$661	21%
SECOND CIRCUIT:	$452,008	2088	4543	$216	46%
THIRD CIRCUIT:					
BEADLE	$56,334	99	306	$569	32%
BROOKINGS	52,886	85	473	622	18%
CLARK	2,173	15	59	145	25%
CODINGTON	65,364	161	489	406	33%
DEUEL	10,008	23	115	435	20%
GRANT	4,112	19	75	216	25%
HAMLIN	3,524	10	57	352	18%
HAND	8,052	4	36	2,013	11%
KINGSBURY	8,135	22	39	370	56%
TOTAL	$210,588	438	1,649	$481	27%
FOURTH CIRCUIT:					
AURORA	$9,457	17	50	$556	34%
BRULE	29,693	63	186	471	34%
BUFFALO	0	0	5	0	0%
DAVISON	84,288	138	448	611	31%
HANSON	1,178	8	22	147	36%
JERAULD	1,694	3	22	565	14%
LAKE	17,855	39	133	458	29%
MC COOK	29,633	36	95	823	38%
MINER	5,648	3	9	1,883	33%
MOODY	16,249	53	190	307	28%
SANBORN	5,637	6	20	940	30%
TOTAL	$201,332	366	1,180	$550	31%
STATE TOTALS:	$2,424,500	6,459	17,547	$375	37%

	TOTAL PAYMENT BY COUNTY	APPOINT-MENT CASES	MISD. 1 AND FELONY FILINGS	AVERAGE PAYMENT / CASE	APPTMNT. CASES AS % OF FILINGS
FIFTH CIRCUIT:					
BROWN	$99,426	237	903	$420	26%
CAMPBELL	100	0	7	N/A	0%
DAY	12,907	25	119	516	21%
EDMUNDS	34,645	11	55	3,150	20%
FAULK	798	2	29	399	7%
MARSHALL	4,544	16	89	284	18%
MC PHERSON	6,788	2	10	3,394	20%
ROBERTS	40,582	100	289	406	35%
SPINK	26,983	36	115	750	31%
WALWORTH	18,475	31	187	596	17%
TOTAL	$245,248	460	1,803	$533	26%
SIXTH CIRCUIT:					
BENNETT	$3,905	59	156	$66	38%
GREGORY	9,456	27	74	350	36%
HAAKON	2,869	4	40	717	10%
HUGHES	91,332	213	521	429	41%
HYDE	914	2	19	457	11%
JACKSON	5,015	17	207	295	8%
JONES	1,643	5	29	329	17%
LYMAN	10,964	31	105	354	30%
MELLETTE	2,775	31	34	90	91%
POTTER	647	4	48	162	8%
STANLEY	5,233	37	96	141	39%
SULLY	2,181	2	27	1,091	7%
TODD-TRIPP	28,522	67	228	426	29%
TOTAL	$165,456	499	1,584	$332	32%
SEVENTH CIRCUIT:					
CUSTER	$30,368	67	176	$453	38%
FALL RIVER	42,120	103	239	409	43%
PENNINGTON	553,447	1661	3085	333	54%
TOTAL	$625,935	1,831	3,500	$342	52%
EIGHTH CIRCUIT:					
BUTTE	$37,522	74	204	$507	36%
CORSON	10,489	10	42	1,049	24%
DEWEY	2,821	2	23	1,411	9%
HARDING	1,435	2	14	718	14%
LAWRENCE	126,630	169	639	749	26%
MEADE	92,198	136	509	678	27%
PERKINS	5,078	9	56	564	16%
ZIEBACH	407	1	5	407	20%
TOTAL	$276,580	403	1,492	$686	27%

Table 10. Average Cost per Court Appointment, by County

MILEAGE BY JUDICIAL PERSONNEL

JUDGE OR MAGISTRATE	MILEAGE
First Circuit:	
Humphrey	11,998
Tapken	8,460
Hertz	8,178
Kern	8,122
Cody	6,256
Bogue	5,834
Marmet	3,371
Total	52,219
Second Circuit:	
Amundson	1,418
Heege	1,358
Kean	480
Total	3,256
Third Circuit:	
Erickson	9,063
Bingner	9,020
Brekke	5,809
Martin	3,728
Steele	3,550
Timm	3,029
Bradshaw	2,751
Total	36,950
Fourth Circuit:	
Miller	12,693
Tucker	11,164
Gerken	10,408
Sage	6,752
McMurchie	6,396
Kiner	1,475
Total	48,888
Fifth Circuit:	
Gilbertson	14,953
Dobberpuhl	12,305
Berndt	11,568
Evans	8,504
Lovrien	5,362
Glynn	3,406
Olander	1,249
Total	57,347
Sixth Circuit:	
Heck	10,242
Mc Keever	9,568
Talbott	7,578
Anderson	6,180
Zinter	800
Total	34,368
Seventh Circuit:	
O'Connor	6,421
Tice	2,110
Davis	2,068
Konenkamp	1,836
Grosshans	505
Total	12,940
Eighth Circuit:	
Tschetter	12,651
Johns	5,151
Johnson	7,415
Moses	4,202
Severns	3,713
Total	33,132
State Total	279,100

Table 11. Travel by Judicial Personnel

Travel by Circuit Personnel

Tables 11 and 12, and chart 10, show the miles traveled by certain circuit personnel throughout the state in the performance of their professional duties. Judges and magistrates are listed in Table 11, and court services officers in Table 12. The tables list the two groups by circuit in the order of the miles traveled by each individual, those showing the highest mileage being at the top in each circuit. The chart shows the totals by circuit for each of the two groups.

Patterns of travel for FY 1989 are generally similar to FY 1988 in most circuits. In the first and fourth circuits, judge travel has increased over last year, while in other circuits, it appears that judges are travelling less. Travel for court services officers has increased slightly in the third circuit, and has apparently increased substantially in the fifth and seventh circuits.

MILEAGE BY COURT SERVICES PERSONNEL FOR OFFICIAL FUNCTIONS

OFFICER	MILEAGE
First Circuit:	
Lehr	14,911
McCabe	7,501
Hall	7,078
Nelsen	4,302
Foltz	2,706
McNeely	2,045
Dringman	564
Total	39,107
Second Circuit:	
Wildes	3,221
Grove	1,923
Hurtgen	1,590
LeMair	1,306
Jaqua	823
Adler	804
Hansum	741
Murphy	376
Clayton	141
Bahnson	104
Hanson	62
Total	11,091
Goldsmith	5,212
Frost	3,070
Mead	2,382
Ramynke	1,689
Moen	1,675
Danforth	1,622
Kjellsen	1,360
Butler	1,139
Payne	349
Mielke	310
Total	18,808
Ibis	5,449
Janssen	4,635
Johnson	4,504
Fraser	4,481
Kary	3,628
Adair	3,586
Total	26,283

OFFICER	MILEAGE
Fifth Circuit:	
King	14,306
Simons	11,413
Chadwick	7,526
Brumbaugh	6,315
Chase	6,096
Hanson	679
Sutherland	84
Total	46,419
Sixth Circuit:	
Bonenberger	15,644
Sack	13,180
Bennett	13,122
Parkinson	9,234
Petersen	6,425
Olson	4,083
McTighe	4,025
Total	65,713
Seventh Circuit:	
Nagel	16,502
Wright	9,458
Krosschell	7,442
Raue	5,300
Osborne	2,751
LaPointe	2,179
Jones	1,655
Thompson	1,627
Fauss	1,484
Lillquist	1,352
Chambers	438
Tschakert	426
Total	50,614
Eighth Circuit:	
Portwood	11,411
Vodopich	1,686
Todd	1,062
Meyer	919
DeKraai	506
Allard	82
Total	15,666
State Total	237,701

Table 12. Travel by Court Services Personnel

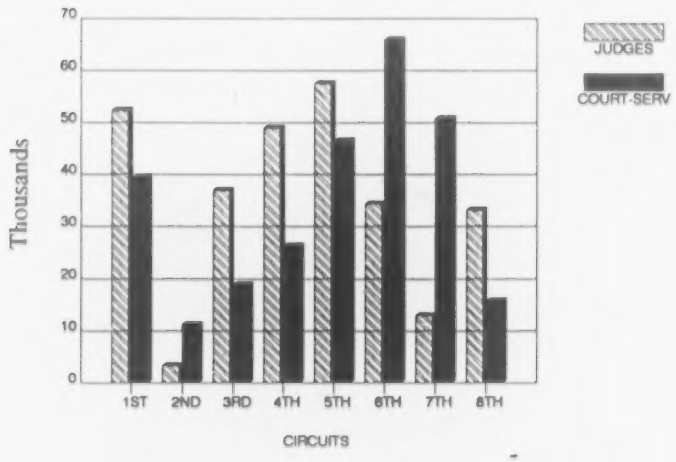


Chart 10. Mileage Comparison by Circuit

CASELOAD DATA

Comparison of Court Services Activities by Fiscal Year

SERVICE CATEGORY	First Circuit		Second Circuit		Third Circuit		Fourth Circuit		Fifth Circuit		Sixth Circuit		Seventh Circuit		Eighth Circuit		State Totals	
	FY88	FY89	FY88	FY89	FY88	FY89	FY88	FY89	FY88	FY89	FY88	FY89	FY88	FY89	FY88	FY89	FY88	FY89
Juvenile Service:																		
Preliminary Investigations	286	300	796	683	264	270	6	4	1	0	15	10	2	1	0	1	1370	1269
90-Day Diversion Services	344	367	131	180	252	248	169	180	240	171	370	410	123	129	119	123	1748	1808
Prehearing Investigations	141	120	355	509	50	53	132	135	30	17	13	26	268	240	7	1	996	1101
90-Day Informal Adjustments	14	16	24	22	8	6	18	7	2	3	5	3	8	5	0	3	79	65
Placed on Probation	144	132	205	228	165	218	134	151	189	196	85	72	259	232	96	174	1277	1403
On Probation at End of FY	121	158	177	160	79	90	83	88	134	132	58	50	185	195	90	144	927	1017
Adult Service, Misdemeanor:																		
PSI Reports	94	88	57	38	22	17	52	71	1	1	18	12	1571	1221	1	6	1816	1454
Placed on Probation	90	66	47	34	174	158	31	29	159	180	26	15	93	91	45	52	665	625
Active Probationers, End FY	73	64	83	78	123	115	48	42	61	108	30	16	99	98	36	41	553	562
Adult Service, Felony:																		
PSI Reports	49	73	238	285	82	121	56	72	33	28	82	64	328	372	74	87	942	1102
Placed on Probation	54	52	152	161	87	85	41	41	115	128	82	43	209	206	118	87	858	803
Active Probationers, End FY	140	130	311	371	132	125	82	85	190	214	148	120	303	317	185	120	1491	1482
90-Day Case Monitoring Program																		
Placed in Programs	53	73	547	600	495	432	95	62	90	78	257	265	1621	1244	0	0	3158	2754
Active Cases, End FY	21	34	115	92	137	85	12	15	17	23	48	36	264	233	0	0	614	518
Domestic Relations Cases:																		
Divorce Custody Investigations	6	3	0	0	0	0	0	3	1	2	1	1	0	0	0	0	8	9
Custody Visitation Monitoring	0	0	0	0	0	0	0	0	0	0	6	0	0	0	0	0	6	0
Adoption Investigations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Divorce Custody Mediations	3	1	0	0	0	0	0	0	0	0	2	3	15	20	0	0	20	24
Interstate Compact Caseload																		
Placed on Probation - Out	17	6	8	5	46	4	4	1	5	5	9	2	29	12	16	24	134	59
Placed on Probation - In	8	11	61	18	11	9	9	6	5	2	19	1	37	33	20	15	170	95
Active Probationers In, End FY	10	11	38	51	9	16	6	7	7	7	12	6	25	36	16	18	123	152

Table 13. Comparison of Court Services Activities by Fiscal Year

Table 14. Civil Caseload By County, Fiscal Year 1989

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
	FILINGS UNDER	OTHER FIL-	ADMIN. AP-	HEAR-	COURT	JURY	DE-	FIL-	HEAR-		DE-	FIL-		DE-	PRO-	ADOP-	MENTAL ILL-	GUARD- IAN-	TER- MINA-	JUVENILE PET-
COUNTIES	$2,000	INGS	PEALS	INGS	TRIAL	TRIAL	FAULT	INGS	INGS	TRIAL	FAULT	INGS	TRIAL	FAULT	BATE	TION	NESS	SHIPS	TIONS	ITIONS
FIRST CIRCUIT:																				
BON HOMME	12	20	2	16	0	2	5	23	8	0	9	161	8	153	86	1	9	7	4	13
CHARLES MIX	44	54	2	1	3	1	68	15	3	2	13	180	25	181	68	0	7	13	1	107
CLAY	18	66	0	0	2	0	71	58	0	9	41	312	25	244	68	2	6	8	3	41
DOUGLAS	0	20	0	0	0	0	21	2	0	0	4	79	9	64	28	1	2	1	0	3
HUTCHINSON	9	37	0	4	2	1	28	25	0	0	16	109	13	96	104	5	4	5	0	11
LINCOLN	48	92	5	22	15	3	79	42	15	5	34	195	21	165	110	12	1	10	0	54
TURNER	13	55	1	0	4	0	46	24	0	5	17	131	17	111	81	5	0	7	10	0
UNION	47	90	5	119	20	1	84	58	25	39	41	157	24	115	90	5	7	9	1	51
YANKTON	36	207	2	52	37	4	86	91	32	14	36	702	63	562	104	7	169	38	4	63
CIRCUIT TOTAL	227	641	17	214	83	12	488	338	83	74	211	2026	205	1691	739	38	205	98	23	343
SECOND CIRCUIT:	1396	1352	15	528	113	24	2525	856	515	94	635	3329	535	2805	524	90	217	151	58	1213
THIRD CIRCUIT:																				
BEADLE	34	216	4	41	66	1	256	91	3	2	77	622	74	704	103	14	8	20	4	60
BROOKINGS	68	166	13	41	37	3	201	100	27	13	111	994	118	938	132	19	5	16	2	141
CLARK	7	16	1	9	1	1	25	27	9	5	16	87	7	78	37	1	1	4	0	10
CODINGTON	58	210	5	49	4	1	313	103	60	6	190	876	91	882	125	9	16	34	2	165
DEUEL	30	55	1	1	1	2	65	10	3	4	8	80	10	79	4	1	0	4	2	17
GRANT	16	41	3	16	8	1	73	36	19	4	10	179	27	149	64	3	3	3	2	25
HAMLIN	11	29	1	0	1	0	39	12	0	1	10	94	11	100	52	2	2	0	0	13
HAND	12	33	1	0	4	1	57	11	0	1	7	109	4	123	49	1	1	6	0	7
KINGSBURY	9	49	3	4	4	1	73	20	0	0	20	119	12	97	71	6	4	1	1	12
CIRCUIT TOTAL	245	815	32	161	126	11	1102	410	121	36	449	3160	354	3150	637	56	40	88	13	450
FOURTH CIRCUIT:																				
AURORA	3	8	0	8	0	0	6	4	12	2	3	48	5	47	20	3	2	3	1	18
BRULE	15	71	1	10	3	5	7	13	5	14	0	239	26	138	44	3	3	5	3	60
BUFFALO	0	6	0	1	0	0	0	0	0	0	0	10	2	6	4	0	0	1	0	0
DAVISON	85	112	5	33	10	5	132	115	75	10	10	871	82	673	116	12	15	33	3	124
HANSON	0	15	0	0	0	0	0	5	3	0	0	14	0	8	29	2	0	5	0	23
JERAULD	7	8	1	0	0	1	11	8	1	0	7	73	1	16	24	1	1	6	0	10
LAKE	34	58	2	22	2	0	38	42	30	7	9	374	31	392	92	0	5	15	34	0
MC COOK	28	27	0	2	1	1	59	18	0	1	15	109	13	109	41	0	7	8	0	25
MINER	30	45	5	10	3	2	49	26	10	9	7	155	10	121	71	3	1	3	0	34
MOODY	23	58	0	11	30	0	12	27	9	6	6	148	12	109	58	5	1	3	0	50
SANBORN	20	11	1	0	1	0	22	12	1	2	6	60	3	56	41	1	0	3	0	2
CIRCUIT TOTAL	245	419	15	97	40	14	336	270	146	51	83	2101	185	1675	540	30	35	85	41	346

Table 14. Civil Caseload By County, Fiscal Year 1989

	CIVIL ACTIONS							DIVORCE				SMALL CLAIMS			MISCELLANEOUS					
COUNTIES	FILINGS UNDER $2,000	OTHER FILINGS	ADMIN. APPEALS	HEARINGS	COURT TRIAL	JURY TRIAL	DEFAULT	FILINGS	HEARINGS	TRIAL	DEFAULT	FILINGS	TRIAL	DEFAULT	PROBATE	ADOPTION	MENTAL ILLNESS	GUARDIANSHIPS	TERMINATIONS	JUVENILE PETITIONS
FIFTH CIRCUIT:																				
BROWN	170	561	6	98	22	2	670	143	114	10	160	1228	120	1227	198	19	23	37	25	154
CAMPBELL	7	13	1	0	0	0	22	4	1	0	5	23	0	34	24	2	1	1	0	1
DAY	55	54	0	22	1	2	85	24	1	1	19	218	25	192	66	0	0	14	0	26
EDMUNDS	6	20	1	1	1	1	16	10	2	1	9	69	11	52	26	1	0	3	0	10
FAULK	0	17	1	1	0	0	0	11	6	0	3	30	7	21	24	0	0	5	0	9
MARSHALL	1	50	1	13	3	0	25	16	3	4	3	81	5	65	44	0	0	4	0	4
MC PHERSON	3	22	1	5	2	0	42	6	0	1	7	28	0	48	50	1	0	2	0	0
ROBERTS	37	87	2	1	8	2	64	25	0	6	20	176	8	132	70	2	3	13	3	115
SPINK	51	54	0	43	15	1	63	39	34	12	33	125	26	107	88	8	5	23	6	30
WALWORTH	30	65	0	5	2	0	79	28	1	3	24	165	17	160	60	8	2	2	6	8
CIRCUIT TOTAL	360	943	13	189	54	8	1066	306	162	38	283	2143	219	2038	650	41	34	104	40	431
SIXTH CIRCUIT:																				
BENNETT	1	29	2	6	1	1	21	9	1	0	8	170	8	158	22	1	0	0	0	3
GREGORY	5	48	6	0	1	1	75	12	0	0	10	112	16	95	61	4	2	8	0	26
HAAKON	6	14	1	5	0	0	15	7	3	0	6	145	7	130	21	1	0	5	0	11
HUGHES	68	334	45	95	46	3	338	76	15	11	55	415	56	339	56	15	14	21	3	122
HYDE	7	17	0	4	0	0	15	6	0	1	1	13	4	6	20	0	0	0	0	2
JACKSON	6	9	0	0	0	0	8	6	0	0	5	34	0	26	14	2	0	1	0	2
JONES	2	11	0	1	2	1	7	11	0	0	7	28	5	23	7	0	0	2	0	0
LYMAN	18	31	2	2	4	2	17	7	6	2	3	45	7	38	26	0	6	3	0	4
MELLETTE	3	12	0	0	0	1	3	9	0	0	5	24	0	17	16	0	0	1	0	5
POTTER	9	30	0	0	1	1	31	8	0	0	4	51	3	52	29	1	0	5	0	3
STANLEY	15	47	3	12	4	1	83	19	3	0	17	93	13	102	11	3	2	2	0	5
SULLY	1	12	0	0	0	0	13	4	0	0	1	25	1	23	7	0	0	0	0	0
TODD-TRIPP	45	85	3	32	2	3	80	32	4	2	18	213	32	192	78	5	3	1	0	63
CIRCUIT TOTAL	186	679	62	157	61	14	706	206	32	16	140	1368	152	1201	368	32	27	49	3	246
SEVENTH CIRCUIT:																				
CUSTER	39	60	5	67	5	1	82	31	1	2	24	243	29	189	38	4	1	9	0	30
FALL RIVER	0	122	9	3	1	0	46	40	1	4	31	187	18	169	57	4	22	18	1	35
PENNINGTON	474	1340	26	542	50	12	784	621	700	66	75	3547	616	2861	275	59	225	79	140	384
CIRCUIT TOTAL	513	1522	40	612	56	13	912	692	702	72	130	3977	663	3219	370	67	248	106	141	449
EIGHTH CIRCUIT:																				
BUTTE	49	98	3	0	0	0	131	50	0	0	39	195	15	170	53	4	14	9	2	48
CORSON	9	14	0	2	1	0	18	5	3	0	6	12	4	9	21	1	0	2	0	5
DEWEY	8	17	8	1	0	1	10	5	2	0	3	17	1	11	6	0	0	0	0	1
HARDING	4	12	0	0	0	1	3	3	0	0	2	10	0	4	29	1	0	1	0	7
LAWRENCE	65	188	45	25	13	7	262	115	0	60	108	740	98	903	96	15	16	18	2	91
MEADE	17	240	2	50	25	1	182	103	30	17	93	475	50	372	93	20	41	21	5	128
PERKINS	3	23	1	0	1	0	27	12	0	0	13	83	9	77	52	2	2	5	0	8
ZIEBACH	1	3	0	0	0	1	3	2	0	0	1	4	1	3	11	1	0	0	0	1
CIRCUIT TOTAL	156	595	59	78	40	11	636	295	35	77	265	1536	178	1549	361	44	73	56	9	289
STATE TOTALS	3328	6966	253	2036	573	107	7771	3373	1796	458	2176	19640	2491	17328	4189	398	879	737	328	3767

Table 15. Criminal Caseload By County, Fiscal Year 1989

COUNTIES	PETTY OFFENSE FILINGS	CLASS TWO MISDEMEANOR				CLASS ONE MISDEMEANOR						FELONY					
		FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIRST CIRCUIT:																	
BON HOMME	3	886	828	16	7	68	8	53	5	0	1	8	4	2	2	0	0
CHARLES MIX	7	1398	1198	172	12	191	23	161	27	2	1	55	22	25	20	0	1
CLAY	10	2576	2373	88	40	253	43	242	15	2	3	36	9	21	2	0	2
DOUGLAS	5	630	633	28	3	26	2	23	11	0	0	2	0	0	0	0	0
HUTCHINSON	1	857	817	37	11	38	6	36	3	1	0	17	6	6	2	0	1
LINCOLN	10	3268	2990	280	56	197	23	142	22	1	0	25	4	9	13	0	1
TURNER	8	873	817	29	7	63	17	53	10	1	0	7	2	0	8	0	0
UNION	9	7578	6923	166	71	260	54	220	32	2	1	76	20	12	26	0	2
YANKTON	22	4519	3995	365	60	345	70	297	51	3	8	129	34	47	46	0	2
CIRCUIT TOTAL	75	22585	20574	1181	267	1441	246	1227	176	12	14	355	101	122	119	0	9
SECOND CIRCUIT:	572	42872	29697	10735	1065	3594	467	2539	980	18	49	949	54	265	543	7	32
THIRD CIRCUIT:																	
BEADLE	18	4109	3808	262	40	238	65	178	47	2	5	68	31	27	21	0	7
BROOKINGS	12	3883	3458	143	78	382	122	320	49	2	8	91	46	56	25	0	0
CLARK	3	675	631	30	4	50	2	20	28	0	0	9	1	4	4	0	0
CODINGTON	17	4693	4405	241	44	400	119	328	53	5	2	89	48	41	26	0	1
DEUEL	7	894	821	47	9	76	15	59	19	1	1	39	6	10	19	0	1
GRANT	4	817	766	33	3	60	4	59	1	1	0	15	2	12	5	0	0
HAMLIN	4	652	609	46	12	39	3	32	5	0	0	18	3	15	0	0	0
HAND	4	701	621	26	5	32	4	16	13	0	1	4	0	1	8	0	0
KINGSBURY	2	794	756	37	0	28	10	25	8	0	1	11	3	8	4	0	0
CIRCUIT TOTAL	71	17218	15875	865	195	1305	344	1037	223	11	18	344	140	174	112	0	9
FOURTH CIRCUIT:																	
AURORA	0	719	723	12	9	37	13	30	9	0	0	13	3	6	3	0	0
BRULE	1	1123	1065	70	7	146	36	108	27	0	2	40	17	11	17	0	1
BUFFALO	0	25	24	1	0	4	0	2	2	0	0	1	1	0	1	0	0
DAVISON	42	4873	4153	530	7	338	32	246	52	2	4	110	15	32	46	1	4
HANSON	3	498	526	24	1	21	12	22	14	0	1	1	0	2	0	0	1
JERAULD	6	396	385	3	0	17	4	21	0	1	0	5	2	2	1	0	0
LAKE	9	1578	1472	111	24	99	37	100	11	0	1	34	13	14	12	4	0
MC COOK	9	1061	995	51	17	69	9	60	8	1	2	26	7	13	12	2	2
MINER	2	531	483	2	0	9	2	12	0	0	0	0	0	2	0	0	0
MOODY	10	2137	1962	95	33	148	40	111	26	2	1	42	16	8	25	0	0
SANBORN	0	394	366	17	2	14	4	9	3	0	1	6	4	4	2	1	0
CIRCUIT TOTAL	82	13335	12154	916	100	902	189	721	152	6	12	278	78	94	119	8	8

Table 15. Criminal Caseload By County, Fiscal Year 1989

COUNTIES	PETTY OFFENSE FILINGS	CLASS TWO MISDEMEANOR				CLASS ONE MISDEMEANOR						FELONY					
		FIL-INGS	GUILTY PLEAS	DIS-MIS-SALS	TRIALS	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY	FIL-INGS	PRE-LIM. HRGS.	GUILTY PLEAS	DIS-MIS-SALS	TRIALS COURT	TRIALS JURY
FIFTH CIRCUIT:																	
BROWN	129	8639	7354	938	54	704	53	547	150	2	1	199	51	113	89	0	1
CAMPBELL	2	173	168	0	2	5	0	6	0	0	0	2	1	3	0	0	0
DAY	5	1017	986	44	1	94	6	77	18	0	0	25	4	13	10	0	0
EDMUNDS	1	800	744	31	5	38	2	34	2	0	0	17	2	10	2	0	1
FAULK	3	578	581	33	4	27	2	26	6	1	0	2	0	0	0	0	0
MARSHALL	1	490	406	60	3	83	5	78	12	1	0	6	0	6	0	0	0
MC PHERSON	0	85	83	4	0	7	0	10	0	0	0	3	0	3	0	0	0
ROBERTS	13	2361	2217	127	6	206	20	156	42	1	0	83	10	41	37	0	1
SPINK	2	1303	1283	27	8	77	4	69	10	3	0	38	2	20	11	0	0
WALWORTH	5	1477	1341	87	2	148	5	134	14	0	1	39	1	9	8	0	0
CIRCUIT TOTAL	161	16923	15163	1351	85	1389	97	1137	254	8	2	414	71	218	157	0	3
SIXTH CIRCUIT:																	
BENNETT	9	624	469	38	4	125	2	50	9	0	0	31	3	6	3	1	0
GREGORY	0	609	512	54	0	64	11	45	10	0	1	10	3	5	4	0	0
HAAKON	9	475	478	18	2	36	2	29	2	1	1	4	2	1	0	0	0
HUGHES	5	3611	3031	340	63	384	40	283	43	0	3	85	20	37	25	0	2
HYDE	2	432	389	25	3	16	3	17	0	0	0	3	0	0	0	0	0
JACKSON	40	1968	1766	119	2	174	13	60	25	0	1	33	5	4	8	0	0
JONES	9	521	502	12	1	26	6	19	8	0	4	3	2	0	3	0	0
LYMAN	7	2265	1977	111	1	89	14	76	8	1	0	16	9	5	1	0	0
MELLETTE	3	196	159	6	2	25	10	23	9	0	0	9	9	4	2	0	0
POTTER	1	633	583	8	2	43	10	30	4	0	2	5	1	2	1	0	0
STANLEY	2	959	850	65	19	85	17	73	13	0	0	11	2	4	5	0	1
SULLY	4	423	411	7	2	25	6	22	1	0	0	2	1	1	2	0	0
TODD-TRIPP	16	1321	1227	95	7	172	54	128	38	0	2	56	26	16	12	0	1
CIRCUIT TOTAL	107	14037	12354	898	108	1264	188	855	170	2	14	268	83	85	66	1	4
SEVENTH CIRCUIT:																	
CUSTER	4	1323	1177	100	20	137	47	112	34	1	1	39	16	11	14	0	2
FALL RIVER	8	1448	1205	282	5	201	39	156	32	1	5	38	15	22	11	0	3
PENNINGTON	317	18384	14119	2452	342	2110	761	1481	553	18	11	975	353	352	157	3	35
CIRCUIT TOTAL	329	21155	16501	2834	367	2448	847	1749	619	20	17	1052	384	385	182	3	40
EIGHTH CIRCUIT:																	
BUTTE	7	1172	966	137	17	145	3	104	33	3	1	59	6	30	14	1	2
CORSON	7	619	482	10	1	29	4	21	2	0	0	13	6	12	2	0	0
DEWEY	1	160	158	5	1	18	3	15	2	1	0	5	1	3	0	0	0
HARDING	0	438	405	10	4	11	1	10	1	0	1	3	0	2	0	0	0
LAWRENCE	46	3758	3419	300	30	507	6	409	61	8	8	132	3	89	29	8	7
MEADE	161	5338	4783	595	28	424	49	350	72	3	8	85	24	48	26	2	5
PERKINS	2	344	326	8	1	47	7	41	1	0	0	9	3	5	2	2	0
ZIEBACH	0	114	100	1	0	4	1	2	0	0	0	1	0	1	0	0	0
CIRCUIT TOTAL	224	11943	10639	1066	82	1185	74	952	172	15	18	307	43	190	73	13	14
STATE TOTALS	1621	160068	132957	19846	2269	13528	2452	10217	2746	92	144	3967	954	1533	1371	32	119

CIVIL FILINGS AND DISPOSITIONS BY FISCAL YEAR

CIVIL ACTION CATEGORY	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989
CIVIL Filings	11,511	11,785	12,027	11,201	10,547
Defaults	8,070	8,329	8,886	7,934	7,771
Trials & Disp. Hearings	1,826	1,890	2,643	2,703	2,716
DIVORCE Filings	3,241	3,340	3,206	3,448	3,373
Defaults	2,707	2,553	2,329	2,136	2,176
Trials and Hearings*	1,314	1,275	1,709	2,293	2,254
Granted (Calendar Year)	2,566	2,584	2,696	2,649	N/A
SMALL CLAIMS Filings	19,961	21,814	19,349	19,200	19,640
Defaults	16,897	18,596	16,885	16,381	17,328
Contested	2,590	2,862	2,623	2,475	2,491
MISCELLANEOUS Filings	7,945	8,037	9,325	9,351	9,970
Probate	3,999	4,022	4,190	4,169	4,189
Adoption	419	419	398	418	398
Mental Illness	520	474	820	836	879
Guardianship	665	656	719	672	737
Juvenile Petitions	2,342	2,466	3,198	3,256	3,767

* May include related hearings (child support, property, etc.).

Table 16. Civil Caseload Summary

Civil Caseload

Table 16 shows the caseload comparison for the various types of civil (that is, all non-criminal) cases during the past five fiscal years. In the first three major categories (civil contests, divorces, and small claims), filings and dispositions are reported and shown. In the miscellaneous categories, only filings are reported.

Under DIVORCE filings, the number of divorces and separations granted is provided by the Office of Vital Statistics, where the data are compiled on a calendar year basis.

The juvenile petitions reported under the miscellaneous heading are those that are filed and compiled through the offices of the clerks of court. There is, in addition to this, a separate computerized reporting system for juvenile filings which is processed through the court services offices.

Defaults include cases settled or dismissed without a disposition hearing. If there is a hearing, the case is reported as such.

Chart 11, which illustrates all civil actions, shows that the number of civil filings decreased during FY 1989 for the second consecutive year. During the same time period, small claims and miscellaneous filings show an increase while divorce filings have decreased slightly.

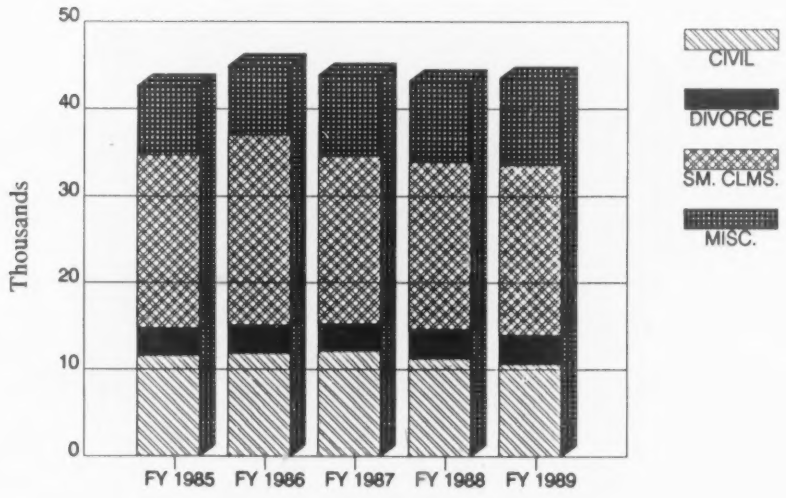


Chart 11. Civil Filings: Civil Actions, Divorce, Small Claims, Miscellaneous

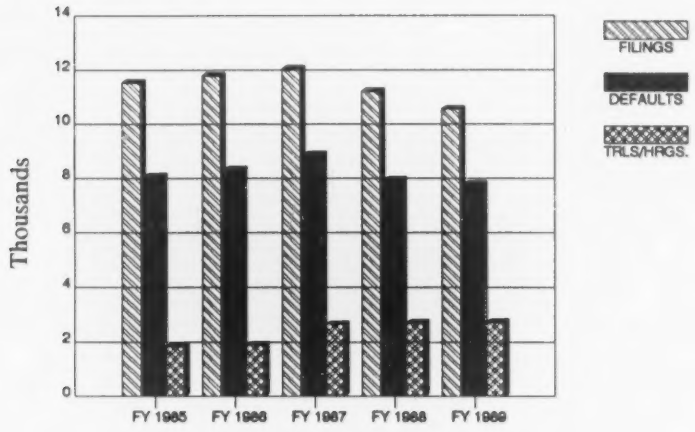


Chart 12. Civil Action Filings and Dispositions

Civil Actions

The number of civil lawsuit filings and default dispositions, as shown in Chart 12, after having demonstrated a continuing increase during the previous four years, has declined steadily since 1987.

While filings and defaults are declining, case dispositions through trials and hearings--that is, contested cases--have increased steadily during the past five years. The noticeable increase in these dispositions beginning in FY 1987 indicates that, while the number of filings of civil lawsuits has been decreasing, greater numbers of cases have been contested during the past three years.

The number of small claims filings (not included in the general civil contests, above) and dispositions is shown in Chart 13. After five years of gradual increases in all categories of small claims actions, the filings for fiscal year 1987 show a decrease of over 11%, with a continuing decline in FY 1988. In FY 1989, however, all reported categories of small claims actions have increased slightly.

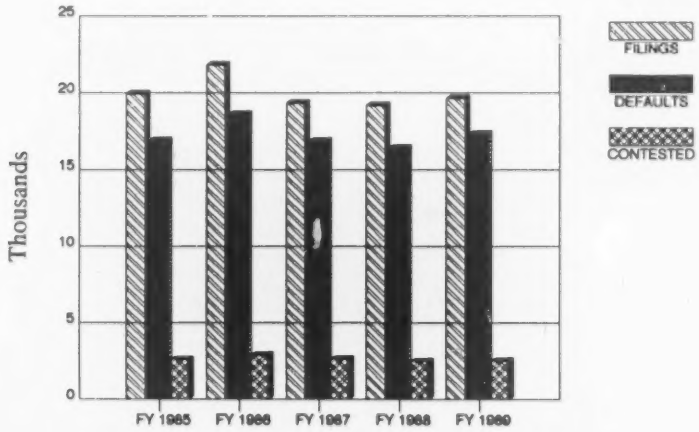


Chart 13. Small Claims Actions

Filings and dispositions in divorce, annulment, and separation cases, presented in chart 14, show somewhat mixed indicators. Up until FY 1988, there was a gradual increase in filings and contested dispositions, and a continuing decline in defaults (uncontested actions). The increase in contested cases parallels the recent increase in contested civil actions.

In FY 1989, the filings and contested divorce cases have declined slightly, indicating that the increased judicial workload of the past few years is beginning to stabilize.

Divorce data, which are not included in the number of general civil lawsuits shown in Chart 12, include hearings on requests to modify child custody. These are reported as new filings if there has been no related divorce case previously filed.

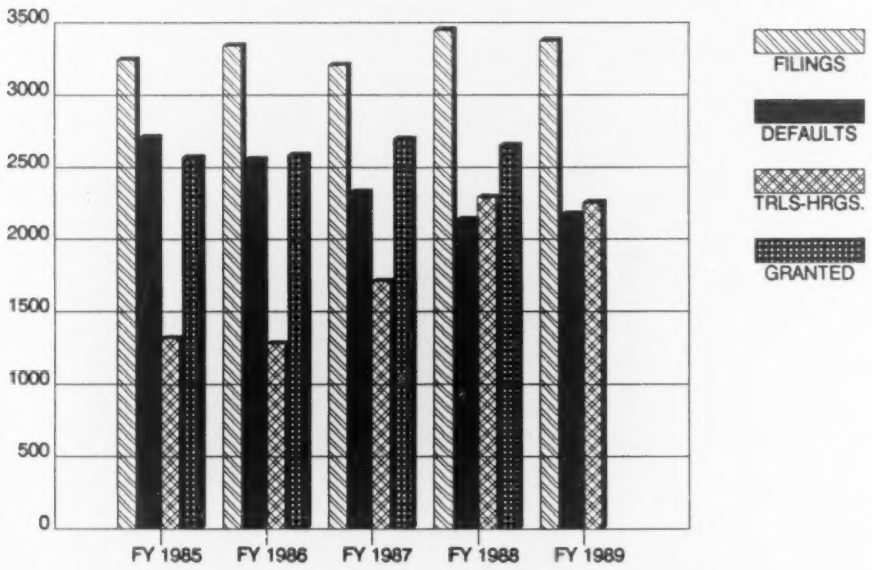


Chart 14. Marriage Dissolution Filings and Dispositions

CRIMINAL CASELOAD SUMMARY

CATEGORY	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989
CLASS-TWO MISDEMEANOR					
Filings	141,024	146,635	157,624	154,652	160,068
Guilty Pleas	123,036	130,764	141,514	129,843	132,957
Dismissals	13,720	9,866	12,611	19,333	19,846
Trials	1,631	2,144	2,051	2,041	2,269
Suspended Impositions	331	510	530	386	334
Speeding Offenses	68,470	77,746	87,890	72,208	70,085
CLASS-ONE MISDEMEANOR					
Filings	14,821	14,392	14,292	12,986	13,528
Preliminary Hearings	2,455	3,168	2,836	2,553	2,452
Guilty Pleas	11,250	10,370	11,174	9,798	10,217
Dismissals	2,266	3,152	3,030	2,994	2,746
Trials	220	269	271	238	234
Suspended Impositions	581	656	698	461	435
DUI Offenses	9,054	8,907	9,598	8,153	7,119
FELONY					
Filings	3,088	3,673	3,907	3,884	3,967
Preliminary Hearings	853	1,027	936	1,055	954
Guilty Pleas	1,168	1,211	1,661	1,773	1,533
Dismissals	1,208	1,390	1,326	1,293	1,371
Trials	154	162	174	168	148
Suspended Impositions	422	452	499	521	537

Prior to 1986, felony filings did not include unterminated cases.

Table 17. Criminal Caseload Summary

Criminal Caseload

Table 17 shows filings, and the most common dispositions, of criminal cases during the past five fiscal years. petty offenses, which are technically civil cases, are not included in the main category of class-two misdemeanor filings. Speeding violations (filings) are shown separately, but are included in all the preceding totals for class-two misdemeanors. Class-two filings have increased gradually over the past five years, while speeding violations have been declining since 1987, when speeding offenses were over half of the class-two misdemeanor filings.

Class-two misdemeanors include most traffic offenses. Other (non-traffic) offenses in this category include disorderly conduct, certain drug possession charges, and bad check offenses involving $100 or less. A summary of traffic offenses and fines is presented in the table on page 48.

In the same manner as speeding offense statistics, the numbers of DUI filings shown in the table above are included in the filing and dispositional information for class-one misdemeanors. DUI violations here include both first and second time offenders as charged by the state's attorney. Third and subsequent DUI offense are felonies. (Table 18 contains complete DUI data).

Selected information from the table above, comparing data for the period of five fiscal years, is shown on the following charts.

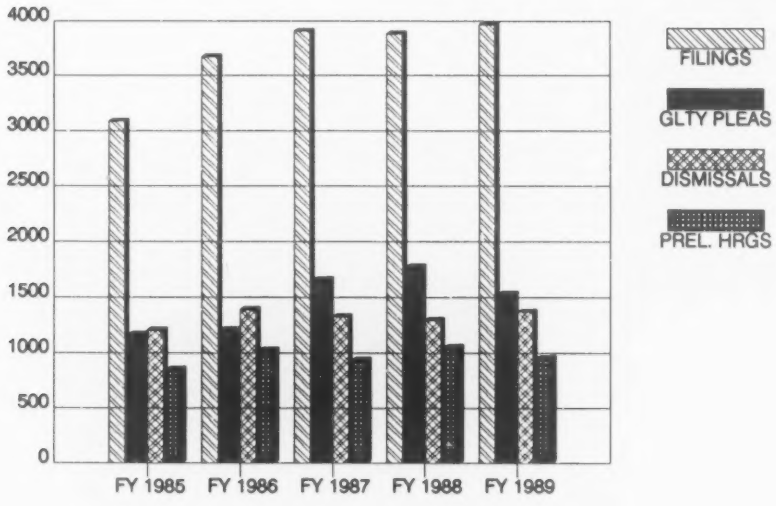


Chart 15. Felony Caseload

Felony Cases

The criminal caseload summary in Chart 15 shows a continuing increase in felony filings in fiscal year 1989 after a small decrease in FY 1988. There is also an increase in felony dismissals after two years of decline. Guilty pleas for felonies show a decrease after three years of steady increase into 1988. Because of statistical peculiarities, a number of felony filings are duplicated in the system, resulting in inflation of filings by about 15%.

The comparison of trials for felony and class-one misdemeanor cases shown in Chart 16 indicates that the class-one case trials have declined, along with felony trials, for the second consecutive year.

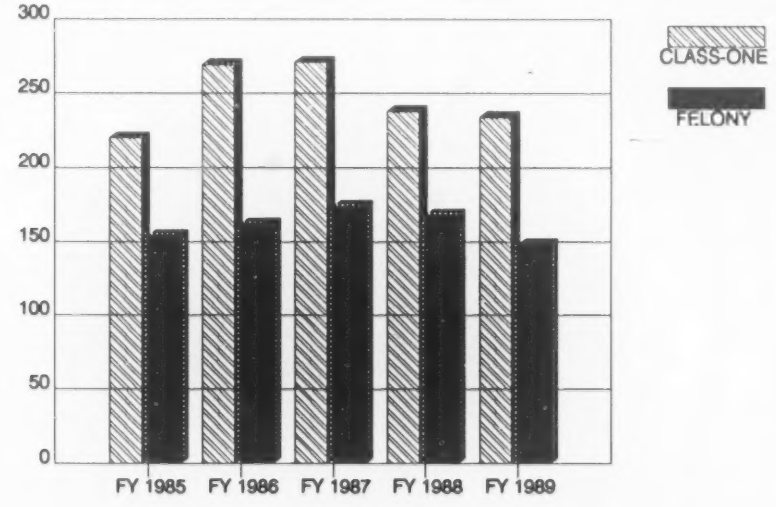


Chart 16. Felony and Class-One Misdemeanor Trials

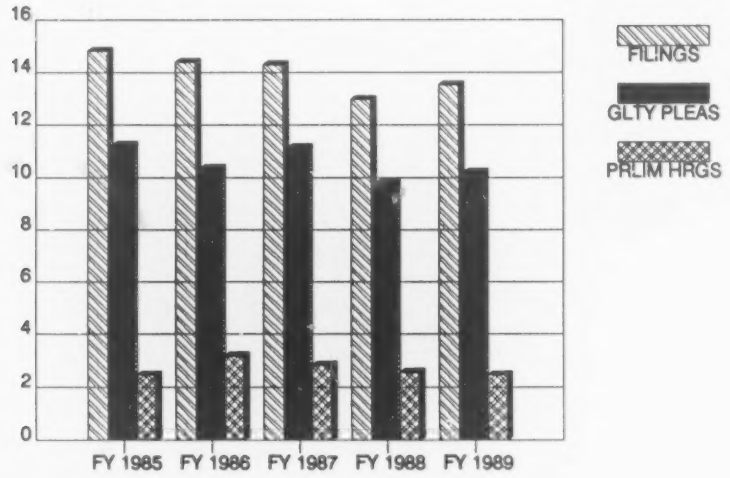


Chart 17. Class-One Misdemeanor Caseload

Chart 17 shows a slight increase in filings and in guilty pleas for class-one misdemeanors during FY 1989. The increase in filings follows four years of steady decrease.

In chart 18 the numbers indicate that DUI class-one filings have dropped in FY 1989 for the third consecutive year. What is unusual about this is that the decrease occurs while total class-one misdemeanor filings are increasing. The result of this is that DUI arrests represent a much smaller portion (52%) of the total than in years past. In 1987, by comparison, DUI offenses accounted for 67% of class-one misdemeanor filings.

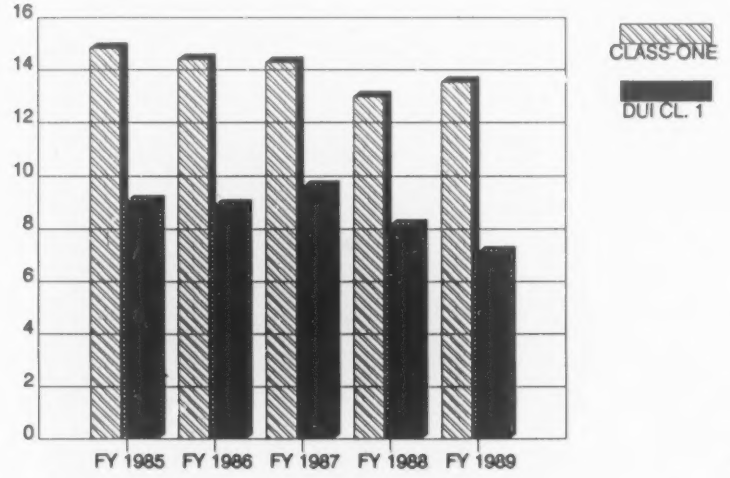


Chart 18. Class-One Misdemeanor and DUI Filings

DUI VIOLATIONS SUMMARY

	FY 1985	FY 1986	FY 1987	FY 1988	FY 1989
FILINGS					
DUI One	7874	7475	7971	6768	5918
DUI Two	1180	1432	1627	1385	1201
DUI Three	318	491	632	627	579
TOTAL	9372	9398	10230	8780	7698
GUILTY PLEAS					
DUI One	5510	4832	5268	4490	4123
DUI Two	806	845	927	741	664
DUI Three	147	167	206	203	218
TOTAL	6463	5844	6401	5434	5005
DISMISSALS					
DUI One	1666	1809	2052	1863	1384
DUI Two	307	470	577	523	470
DUI Three	87	178	205	206	188
TOTAL	2060	2457	2834	2592	2042
SUSPENDED IMPOSITION					
DUI One	404	430	430	183	217
DUI Two	16	31	48	47	20
DUI Three	48	54	46	64	47
TOTAL	468	515	524	294	284
CONVICTIONS AT TRIAL					
DUI One	128	147	117	105	113
DUI Two	20	24	47	37	23
DUI Three	14	15	25	24	15
TOTAL	162	186	189	166	151
ACQUITTALS AT TRIAL					
DUI One	47	40	52	30	30
DUI Two	9	8	14	13	9
DUI Three	6	6	17	10	7
TOTAL	62	54	83	53	46

Table 18. DUI Violations Summary

DUI Caseload

The majority of class-one misdemeanor cases are violations of SDCL chapter 32-23, referred to as DUI (driving under the influence). Those filings, and the most common dispositions of those filings, for fiscal years 1985 through 1989, are shown on Table 18. Selected segments of the data on that table are shown in the comparative bar charts that follow.

In the table, first and second offense DUI violations (DUI one and DUI two) are class-one misdemeanors, third and subsequent offenses (DUI three) are felonies.

Examination of the information in Table 18 shows that the total filings for all DUI offenses decreased during the year by about 13%. Totals of all DUI categories of dispositions have also decreased.

Following the sharp decline in 1988 of suspended impositions of sentence (discussed on page 46), this type of disposition for first offense DUI has increased in 1989 by about 16%. Suspended impositions of sentence for second and third-offense DUI, however, have decreased noticeably, so that the total for the category continues to decline.

Charts 19 and 20 present a graphic summary of total DUI offenses for FY 1989. In Chart 19, the decreases in all filings, pleas and dismissals are shown.

Of the total number of DUI dismissals shown for FY 1989, about 39% are the result of negotiations for the defendant to plead guilty to a lesser charge (usually reckless driving, which is also a class-one misdemeanor). This happens if the prosecutor believes that the state's evidence may not be adequate for a DUI conviction and he is willing to save

the state the expense of a more time-consuming prosecution in return for the defendant's guilty plea to the lesser charge.

Conviction for more than one reckless driving violation within a one-year period will result in suspension of the violator's driving license for a minimum of thirty days.

Ratio of true dismissals to filings for DUI cases is lowest in the fifth (7%) and eighth (11% circuits (see Table 19).

Chart 20 shows a comparison of the remaining dispositions from Table 18, which are suspended impositions of sentence and trial results, for all DUI offenses. In this chart, as in Chart 19, all listed categories reflect the decrease detailed on Table 18.

Table 19 presents DUI filings and dispositions for Fiscal Year 1989, by county and circuit. Decreases are reflected in the totals for filings and guilty pleas in most judicial circuits.

Although total suspended impositions of sentence are lower state-wide than in the previous fiscal year, they increased significantly in the seventh circuit. Also, the eighth circuit, as in previous years, shows a relatively high number of such dispositions.

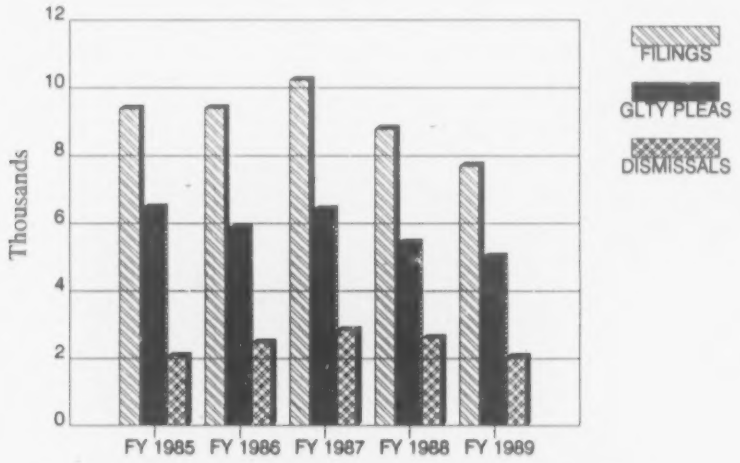


Chart 19. DUI Violations Summary, Filings, Guilty Pleas, and Dismissals

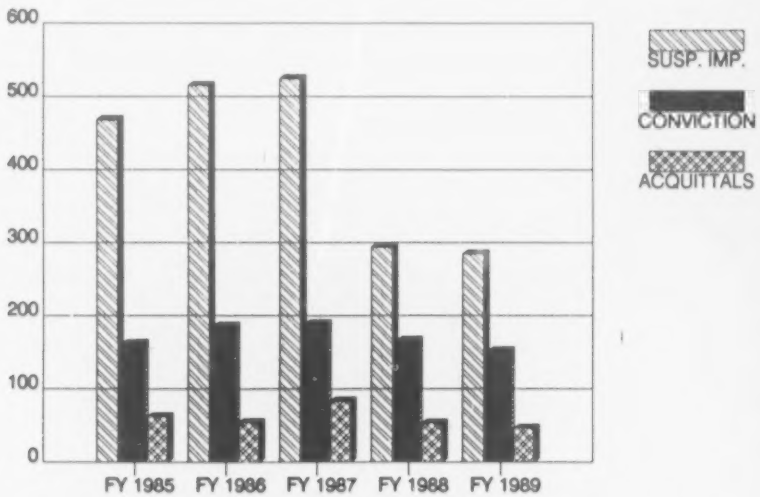


Chart 20. DUI Violations Summary, Suspended Impositions of Sentence and Trials

DUI DISPOSITIONS BY COUNTY AND CIRCUIT

	TOTAL	GUILTY PLEAS	DISMIS-SALS	TRIALS ACQUIT-TALS	TRIALS CONVIC-TIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIRST CIRCUIT:						
BON HOMME	37	31	5	1	0	0
CHARLES MIX	110	70	35	1	0	1
CLAY	145	101	33	0	2	9
DOUGLAS	6	5	1	0	0	0
HUTCHINSON	21	17	4	0	0	0
LINCOLN	111	80	23	0	2	0
TURNER	42	19	23	0	0	0
UNION	190	122	61	0	0	6
YANKTON	242	137	81	2	3	4
TOTAL	904	582	266	4	7	20
SECOND CIRCUIT:	1870	1086	708	10	47	13
THIRD CIRCUIT:						
BEADLE	154	122	27	1	2	2
BROOKINGS	206	181	18	2	3	1
CLARK	22	14	4	0	0	2
CODINGTON	186	145	32	0	5	4
DEUEL	47	41	5	1	0	0
GRANT	44	40	2	0	1	1
HAMLIN	17	12	5	0	0	0
HAND	18	7	10	1	0	0
KINGSBURY	19	12	5	1	1	0
TOTAL	713	574	108	6	12	10
FOURTH CIRCUIT:						
AURORA	24	14	9	0	1	0
BRULE	83	43	36	0	3	0
BUFFALO	2	1	1	0	0	0
DAVISON	160	112	40	0	3	4
HANSON	28	11	16	1	0	0
JERAULD	15	9	6	0	0	0
LAKE	74	58	14	0	0	2
MC COOK	26	18	1	0	2	5
MINER	12	10	2	0	0	0
MOODY	74	50	21	0	2	0
SANBORN	10	5	3	1	0	1
TOTAL	508	331	149	2	11	12
STATE TOTALS:	7698	5005	2042	46	151	284

* Magistrate Court

	TOTAL	GUILTY PLEAS	DISMIS-SALS	TRIALS ACQUIT-TALS	TRIALS CONVIC-TIONS	SUSPENDED IMPOSITIONS OF SENTENCE
FIFTH CIRCUIT:						
BROWN	333	244	73	0	2	14
CAMPBELL	6	2	2	0	0	2
DAY	58	56	2	0	0	0
EDMUNDS	14	12	1	0	0	1
FAULK	24	16	8	0	0	0
MARSHALL	54	49	1	0	1	3
MC PHERSON	8	4	2	0	0	2
ROBERTS	104	98	3	0	2	1
SPINK	37	29	7	0	0	1
WALWORTH	115	96	9	0	1	9
TOTAL	753	606	108	0	6	33
SIXTH CIRCUIT:						
BENNETT	44	22	18	0	1	0
GREGORY	40	16	23	0	1	0
HAAKON	23	18	2	0	2	1
HUGHES	189	153	51	0	1	2
HYDE	14	9	5	0	0	0
JACKSON	62	42	19	0	0	1
JONES	22	15	6	1	0	0
LYMAN	58	46	10	1	1	0
MELLETTE	29	21	8	0	0	0
POTTER	17	8	7	1	0	0
STANLEY	58	33	25	0	0	0
SULLY	10	7	3	0	0	0
TODD	5	1	4	0	0	0
TRIPP	117	68	45	0	1	2
TOTAL	688	459	226	3	7	6
SEVENTH CIRCUIT:						
CUSTER	100	49	43	1	3	4
FALL RIVER	128	92	23	3	1	1
PENNINGTON	144	74	41	3	17	2
RAPID CITY*	1077	583	266	3	26	72
TOTAL	1449	798	373	10	47	79
EIGHTH CIRCUIT:						
BUTTE	106	66	17	1	1	21
CORSON	20	17	1	0	0	2
DEWEY	10	6	2	0	0	0
HARDING	9	4	2	1	0	1
LAWRENCE	307	208	22	3	7	67
MEADE	327	243	55	5	6	17
PERKINS	32	25	3	1	0	3
ZIEBACH	2	0	2	0	0	0
TOTAL	813	569	104	11	14	111

Table 19. DUI Filings and Dispositions By County

Suspended Impositions

After a defendant's first conviction, either by guilty plea or at trial, the judge may decide to suspend the imposition of sentence according to SDCL 23A-27-13 and -14. These laws permit the judge, if he decides that it is in the interest of justice and the good of the community, to require the defendant to fulfill certain conditions, including the possibility of both a fine and jailtime, after which the defendant is discharged and the court orders that his record be sealed.

According to SDCL 23A-27-17, "the effect of such order is to restore such person, in the contemplation of the law, to the status he occupied before his arrest...." For general legal purposes, the sealing of the record means it is as though the defendant was never convicted, with the following exception.

According to SDCL 23A-27-16, a record is kept by the state's Division of Criminal Investigation "solely for use by law enforcement agencies, prosecuting attorneys, and courts in sentencing such person for subsequent offenses."

The suspended imposition of sentence is provided to help those citizens who have been convicted of their first crime, but are sufficiently law-abiding and responsible, in the judgment of the court, that they should be reinstated fully after a reasonable punishment.

According to SDCL 23A-27-14, the procedure involved in the suspended imposition of sentence "may occur only once with respect to any person."

The indicators on chart 21 show that there has been a gradual steady increase in the number of suspended impositions of sentence rendered for felonies over the past five years. In the other two classes of criminal offense, class-one and class-two misdemeanors, there has been a second year of decrease following three years of increase.

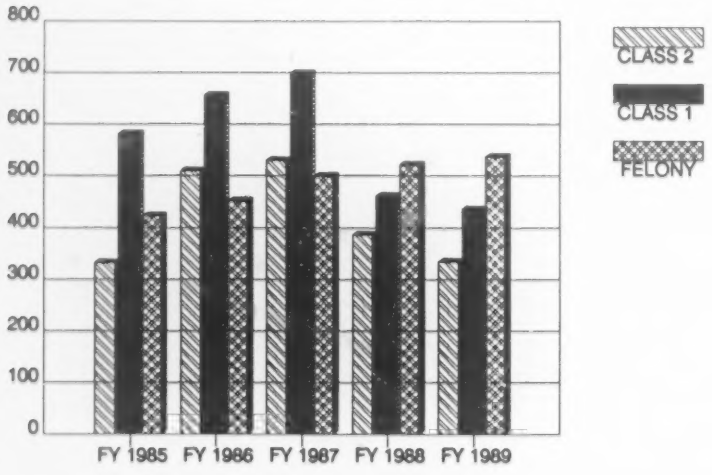


Chart 21. Suspended Imposition of Sentence

Class-Two misdemeanors

Chart 22 shows that the number of class-two misdemeanor filings and guilty pleas this year are continuing the increase that was apparent during the several years prior to FY 1988 (when there was a slight decline). Chart 23 shows that dismissals of class-two violations rose again for the third consecutive year after a substantial drop in FY 1986. The number of trials increased slightly.

The sharp increase in class-two misdemeanor dismissals in FY 1988 has continued this year. This reflects the high number of "financial responsibility" arrests that have been dismissed during the past two years. This citation is used for those cases in which a driver, arrested for a some other traffic violation, cannot furnish proof of auto insurance or other coverage. He is cited for the financial responsibility offense.

In these cases, the defendant who is stopped by a law-enforcement officer for a traffic violation must produce proof of financial responsibility (usually an auto insurance card). If the driver has no such proof in the vehicle, he is given a citation for failure to show proof of financial responsibility. Later, if the defendant can produce such proof for the clerk-magistrate, the charge is dismissed. There were over 10,000 of these dismissals during FY 1989.

Some other class-two misdemeanor dismissals are the result of the removal from active records, as authorized by Supreme Court Rule, of those traffic cases in which the defendant failed to appear or pay the fine after a period of six months.

In those cases, the defendant's driver's license is suspended by the Department of Driver Improvement and the case is removed from active court files. In order to have his license reinstated, the defendant must first have the court issue an order to reinstate the license. Then, he must pay a substantial cash penalty to the Department of Commerce and Regulation. The defendant also faces the possibility of an additional criminal charge for his failure to appear in court on the original violation.

Table 20 lists class-two misdemeanor traffic violations for the fiscal year. The offenses shown in the detailed list include those with fifty arrests or more. Those showing an SDCL prefix of 99 are municipal violations.

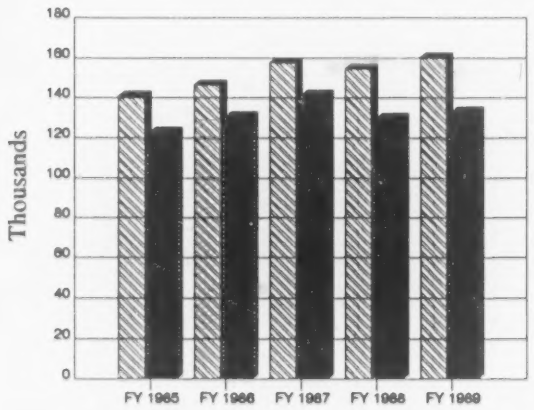


Chart 22. Class-Two Misdemeanor Caseload Filings and Guilty Pleas

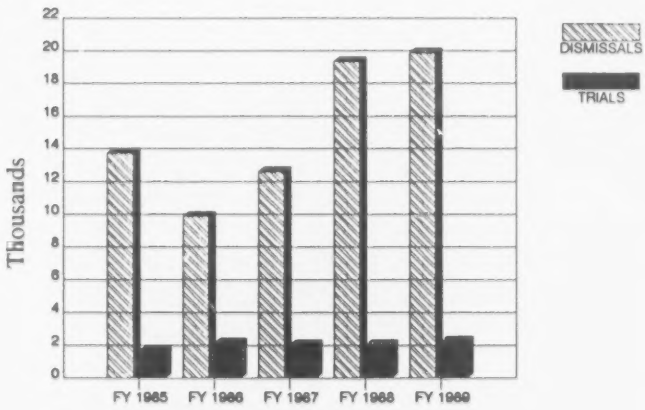


Chart 23. Class-Two Misdemeanor Caseload Dismissals and Trails

CLASS-TWO MISDEMEANOR AND PETTY OFFENSE TRAFFIC VIOLATION SUMMARY FY 1989

Offense	SDCL Code	Number of Arrests	Total Fine Amount
Speeding	32-25-11.2	70,085	$2,229,513
Financial Responsibility	32-35-113	14,166	$115,975
Parking, Standing	99-1-4	6,370	$71,204
No Driver's License	32-12-22	4,535	$102,426
Failure to Stop	32-29-2.1	3,956	$118,764
Overweight on Axle	32-22-16	3,647	$118,764
Open Container	32-1-9.1	3,350	$106,935
No license Plates	32-5-98	2,849	$69,347
Suspended License	32-12-65	2,594	$98,833
Log Book Violations	49-28-63	2,309	$92,115
Flashing Red Light	32-28-6	1,525	$37,536
Log Book / Other	49-28A-3	1,404	$55,665
Disobey Traffic Sign	99-1-11	1,139	$30,125
Warning Ticket	99-1-2	1,105	$19,305
Exhibition Driving	99-1-52	1,060	$25,212
Illegal Turn	32-26-18.1	897	$20,982
Careless Driving	99-1-53	850	$29,285
Comp Certificate	32-9-14	823	$61,995
Careless Driving	32-24-8	672	$27,100
Exhibition Driving	32-24-9	665	$13,001
Follow too Closely	32-26-40	609	$16,525
Overdriving Road Conditions	32-25-3	567	$14,184
Child Seat Restraint	32-37-1	534	$2,690
No Motorcycle Driver License	32-20-2	526	$13,170
Accident Reporting	32-34-7	483	$22,898
Illegal Passing	32-26-35	453	$14,285
Failure to Yield	32-29-3	446	$12,835
Stop for School Bus	32-32-6	389	$18,762
Yield Right of Way	32-26-13	370	$10,910
Unsafe driving	99-1-16	344	$9,700
Promise to Appear	32-33-2	344	$3,075
Oversize/Overweight	32-22-52	309	$24,965
License Possession*	32-12-39	306	$1,245
Wrong-Way One-Way	99-1-40	305	$6,609
Overweight Truck	32-9-14	298	$23,903
Wrong Side of Road	32-26-1	276	$6,070
PUC Regulations	49-28-33	294	$10,490
Revoked License	32-12-65	256	$11,003
Eye Protection*	32-20-4.1	237	$2,790
Illegal U-Turn	32-26-25	235	$4,325
Substitute Plates	32-5-103	233	$10,825
Illegal Median Crossing	32-26-9	232	$7,814
Flashing Stop Light	99-1-50	229	$5,515
Minor without Helmet	32-20-4	217	$3,763
Turn on Red, No Stop	99-1-51	216	$5,335
Unsafe Backing	32-30-20	199	$5,820
Weigh Station	32-33-17	197	$15,055
Exhibition Driving	99-1-9	193	$5,060
Fail to Stop	99-1-57	172	$4,460
Comply with Officer	32-21-30	170	$2,925
Registration Required	32-10-34	152	$4,950
Illegal Lane Change	32-26-6	148	$4,090
Disobey Emergency Order	99-2-23	148	$1,076
Trailer Chains	32-19-9	143	$4,155
Reckless Driving	99-1-41	139	$5,703
Stop at Driveway	99-1-45	137	$4,120
Stop at Accident	32-34-4	123	$5,485
Deviating	99-1-39	114	$3,343
Handlebar Height	32-20-3	109	$2,080
Improper Vehicle	32-21-27	107	$2,856
Racing on Highway	32-25-23	97	$6,080
Illegal Passing	32-26-37	95	$3,400
Parking on Roads	32-30-1	86	$1,685
Muffler Cut-out	32-15-17	82	$1,555
Unauthorized Driver	32-12-72	79	$2,260
Careless Driving	99-1-10	75	$3,320
Rear Lamps Required	32-17-8	72	$1,160
Overwidth Vehicle	32-22-3	68	$5,445
License Expiration	32-12-42	65	$825
Lamps Properly Lit	32-17-4	62	$710
Alter License Plates	32-5-103	61	$4,185
Fail to Dim Headlights	32-17-7	52	$535
Total of this List		135,854	3,810,106
Other Class-Two and Petty Offense Traffic Violations		1,983	$79,532
State Total		137,837	$3,889,638

Table 20. Traffic Violation Summary